OMBUDSMAN OF BRITISH COLUMBIA

Special Report No. 13

to

The Legislative Assembly of British Columbia

THE WILLINGDON CASE

Legislative Assembly
Province of British Columbia

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Mr. Speaker:

I have the honour to submit herewith a special report to the Legislative Assembly, pursuant to section 30(2) of the Ombudsman Act, R.S.B.C. 1979, chapter 306.

The report deals with my investigation of the Willingdon Youth Detention Centre.

Yours sincerely,

Karl A. Friedmann
Ombudsman

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The investigation by the Ombudsman into complaints from residents of Willingdon Youth Detention Centre

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INTRODUCTION

Willingdon Youth Detention Centre is a large correctional facility for young offenders who must be kept in custody after sentencing or while waiting for a court appearance. Over the years since my office opened I have received a number of different complaints from the residents of the Willingdon Youth Detention Centre (Willingdon). The Corrections Branch had responded fairly positively to many of my recommendations on these matters and had promised remedial action in response to specific complaints.

Early in the spring of 1984, I noticed a fairly marked increase in the number of complaints from Willingdon residents. Moreover, many of these complaints were repetitive and many pertained to issues which I had previously brought to the attention of the Corrections Branch. By then it had also become apparent to me that much of the remedial action which had earlier been promised by the Corrections Branch had not in fact been implemented.

In March, 1984, I advised the Commissioner of Corrections that I had received 44 complaints from Willingdon residents, but that I would delay investigation of the issues until I received a report from the Inspection and Standards Division, which was then investigating many of these same complaints. I subsequently received the report of the Inspection and Standards Division and met with Division officials. While they had

attempted to effect changes on some of the issues, they expressed considerable pessimism about the ability to achieve implementation of the required improvements.

By October, 1984, the situation had become critical. Conditions had deteriorated within Willingdon and there had been an outbreak of "slashing" among residents. For reasons which were unclear, Willingdon had experienced a serious increase in the incidence of self-injurious behaviour such as attempted suicide and slashing; this latter is a macabre phenomenon in which a resident uses a sort of sharp object to slice open his arm.

This increase in the incidence of slashing, coupled with the earlier noted increase in the number of complaints from Willingdon residents, led me to the conclusion that there was a need for a broad and general investigation of the situation at Willingdon. Additionally, the new Young Offenders Act had taken effect in April, 1984, and this supplied an additional incentive for me to invest the resources of my office in a general investigation of the problems of youth in a correctional setting.

I commenced an in-depth investigation at Willingdon in October, 1984. My staff and I visited the premises to inspect facilities and observe the situation. We interviewed current and prior residents, staff, administration and other professionals associated with the Centre. We reviewed a random selection of residents' files, and examined the guidelines and standards governing the operation of juvenile secure

custody institutions in British Columbia. I subsequently advised the Commissioner of Corrections of my preliminary findings, and received his comments on those findings. In April, 1985, I advised the Commissioner of Corrections of my final findings and recommendations.

The intent of this report is to provide Members of the Legislative Assembly with the information which I obtained during the course of my investigation. The advent of the Young Offenders Act has focused attention on an increasing number of issues in the youth correctional field. Some of these are among the issues which I investigated at Willingdon, and because of that I felt it might be useful to bring to the attention of the Legislative Assembly the results of my investigation.

Additionally, the increase in the incidence of slashing at Willingdon drew much attention in the media, and as Ombudsman, I was asked for information on what I would do as a result of my investigation. Since the issues under investigation were clearly issues about which considerable public concern was expressed, I decided that it would be in the public interest to make the results of my investigation a matter of public record. I made a commitment to that effect and the release of this report also serves to fulfill that commitment.

Before discussing the actual results of my investigation, I feel it is important to make some comments about the role of the Province vis-a-vis young offenders, and about the response of the Corrections Branch to this

specific investigation. I hope that these comments serve to put my conclusions and recommendations into perspective, and to assist in the interpretation and monitoring of changes resulting from this investigation.

The first point which I would like to make is that I do not believe that a secure custody institution should be a desirable place to a young person. It is a jail, after all - a place in which one's freedom is restricted. Usually, people are sentenced to secure custody institutions for good reasons - they have offended against society's values and must be confined for the protection of society and of others. Conditions in such institutions should not be such that youths are attracted to them or tempted to prolong their stay. Most importantly, no one wants young offenders to come back to a secure custody institution.

Having said that, let me also say that the Province has special responsibilities toward young offenders. These responsibilities derive in part from the general obligations associated with having custody of offenders, and in part from the fact that because they are young, these offenders require special care. They lack maturity, are dependent and require guidance and assistance which will give them an opportunity for growth and development. It would also appear likely that the young offender would represent a greater potential for rehabilitation and changes and would therefore warrant special attention from those entrusted with responsibility for their care.

While I consider it important that a secure custody institution not be a desirable place to a young person, I consider it absolutely essential that young offenders be treated fairly when they are confined to such institutions. Those responsible for the care and custody of young offenders fill many of the duties of a surrogate parent, and they serve as role models for their charges. When a young offender is treated unfairly while in custody, he is being presented with the wrong role model - one which can serve to encourage further offences rather than to promote personal growth and development. I am not asking that young offenders be "mollycoddled", I am asking that their treatment be fair and correct so that their further growth and development will be encouraged along more appropriate routes. To do otherwise would serve only to reinforce the type of behaviour which resulted in their being confined in the first place.

As Ombudsman, I must attempt to ensure that persons are treated fairly in their dealings with public authorities. Young people in the government's care and custody are as much entitled to fair treatment as any British Columbian. It is important that young people in conflict with the law experience contacts with persons in authority which live up to the standards of administrative fairness. Thus, in investigating the complaints at Willingdon, I was concerned that each official's interaction with youths in containment should be able to survive a test of administrative fairness and appropriate conduct.

The details of my findings and recommendations are attached as Appendix A to this report. Generally speaking, I feel that considerable progress has resulted from this investigation. I have also attached the response of the Commissioner of Corrections (Appendix B). In reading through these two documents, one will note that the Commissioner of Corrections has rejected almost every one of my findings, yet in the great majority of cases, he has agreed to take the recommended corrective action. The Commissioner seems to have rejected my findings for one of two reasons; either he disagreed with the finding, or he took the position that rectification of the matter had been initiated before I brought the matter to his attention. My recommendations flow logically from my finding and are merely the other side of the same coin. As the Commissioner has promised to implement most of my recommendations, there is no point in quibbling over the findings themselves. The only important matter is that the recommendations are accepted or implemented.

I must sound one final note of caution to Members of the Legislature. It is essential that the situation be monitored to ensure that all of the required changes do, in fact, take place and are retained in place. In the month since I received the response of the Commissioner of Corrections, I have noted some slippage between acceptance of my recommendation and actual on-site behaviour. The changes are important and the commitment to make those changes must be met.

The required monitoring could be incorporated in a regular program evaluation undertaken by an external evaluator. Such a comprehensive

external evaluation is required by the Corrections Branch's Manual of Operations, but has, in fact, never been done. When I pointed out this shortcoming to the Commissioner of Corrections, he responded that Willingdon was probably overevaluated, and that the Branch would change the requirement in its Manual.

Changing the Manual to omit that requirement is not what is needed. An outside evaluation, professionally conducted according to accepted standards, is important in an institution with responsibilities such as those of Willingdon, and I believe the requirement should be retained and satisfied. It is not sufficient to state that there have been reviews of different aspects of Willingdon's functioning by other agencies, including my own office. My office cannot undertake the comprehensive program evaluation which Willingdon requires on a regular basis. I draw this matter to the attention of the Legislative Assembly since Members may wish to take steps to ensure that an appropriate evaluation of Willingdon is carried out as required.

For my own part, I expect that I will continue to receive complaints from residents. I will also ask my staff to continue visits to Willingdon, and no doubt, if further change is necessary, I will have to bring it to the attention of the Commissioner again.

RESULTS OF MY INVESTIGATION

In this section I will give an overview of the problems I encountered at Willingdon and of my findings and recommendations, and I will list the specific changes which have flowed from those recommendations, for which

commitments have been made. This is an overview rather than a detailed treatment of the issues; it is intended to give Members a general indication of the problems and of the corrective measures which have been, or should be taken. The issues are varied and complex, and for greater detail on any or all of these matters one should refer to the appendices. Appendix A consists of my final report to the Commissioner of Corrections, dated April 3, 1985; Appendix B consists of the Commissioner's May 2, 1985 response to my report; and Appendix C includes subsequent correspondence which lends clarification to some of the issues.

While these appendices are lengthy enough to induce eye strain, one should note that with some reluctance I resisted including an equivalent volume of documents reflecting the preliminary stages of my investigation. These documents include my preliminary report dated January 11, 1985, and the response of the Commissioner of Corrections dated February 19, 1985. If Members require access to these documents, I will make them available for viewing.

I have segmented the problems which I investigated at Willingdon into eleven issues. The following review deals with each issue separately, and also includes references to specific sections in the appendices which provide greater detail. The eleven issues, many of which have sub-issues, are as follows:

1. Programs for Residents
2. Case Management
3. Slashing

4. Time Spent in Locked Cells
5. Facility Condition
6. Medical Services
7. Food Services
8. Clothing
9. Staffing Ratios
10. Evaluations
11. Administration

1. Programs for Residents (Appendix A:6-32, Appendix B:2-17)

This issue encompasses a wide variety of problems, ranging from attendance at school, to length of physical activity periods, to inequities in Willingdon's token economy system. Some of these may appear trivial at first blush; for example, in some of the initial complaints residents said they were bored. I don't investigate boredom as such, but on looking at the general situation more closely, I found that Willingdon's programs for its residents were inadequate in significant respects.

Again, I must state that I am not reviewing Willingdon's programs as if it were a resort. It is a custodial institution for young offenders; it must confine its residents, but it also has explicit responsibilities to provide opportunities for the growth and development of its young offenders. However, I found that staff focused their attention on custody and control, and that relatively little priority was given to the development or implementation of programs.

For example, the School Act requires that youths under 15 years of age must receive adequate schooling, and this requirement is not removed when

a young person is confined to custody. In fact, education may assume even greater importance to a young offender since its continuation during his confinement can facilitate his return to "the outside world" at the completion of his stay. However, from my investigation it appeared that less than half of Willingdon's residents attended school. Undoubtedly the varying lengths of the residents' stays at the Centre, as well as security considerations, contributed to this situation, but I concluded that Corrections had not done enough to ensure that residents received the appropriate schooling.

I found that the Corrections Branch had failed to ensure that more of its residents attended school, had failed to ensure that the required number of hours of school were provided each week and had failed to provide for an appropriate school program during the summer months. I also found that the school facilities at Willingdon (which consisted of two double-wide trailers linked to the main building by a high chain link fence) were inadequate, that the curriculum did not meet the residents' needs, and that there was insufficient testing to determine residents' educational level or learning problems.

I can report considerable progress on the issues relating to resident education. More specifically, the Corrections Branch has agreed to the following changes:

1. Corrections has agreed to take an active role in ensuring that residents go to school; a new process for monitoring and addressing problems about residents' schooling was scheduled for implementation in June, 1985, and it includes provisions for resolving any problems with individual youths once a month.

2. In March, 1985, Corrections secured the school trailer's doors and windows, thereby enabling residents who had previously been considered security risks, to also attend school.

3. In April, 1985, Willingdon modified its length of stay criteria for residents' admission to school; it now provides for the enrollment of all residents who will be at Willingdon for five or more school days.

4. A sixth teacher will start work at Willingdon in September, 1985; this will permit an increase in class sizes.

5. In April, 1985, Willingdon began the practice of preparing individual resident school timetables for all residents eligible for school; this allows the immediate filling of any classroom vacancies and eliminates the delays encountered earlier.

6. In April, 1985, Corrections added Science, Consumer Education and individual tutoring to its program, and in September, 1985, it will include Arts and Crafts and possibly Home Economics.

7. In April, 1985, Willingdon implemented standardized educational testing for all residents staying for more than five school days (except where recent school records are available). The Ministry of Education has also committed additional funding for more comprehensive testing.

8. A part-time educational psychologist will start work at Willingdon in September, 1985, to assist in determining residents' needs.

9. In March, 1985, Willingdon added two program officers to work on day programs with a view to providing a richer day program of educational value, especially during the summer months.

10. Corrections has increased the length of the school week from 20.5 hours to the 27.5 hours required by the School Act regulations.

11. Corrections has a long term plan for renovating the school facilities at Willingdon, and it has provided me with a schedule of those renovations. It is also evaluating the use of portable science laboratory kits.

Assuming that the remaining planned changes are implemented, I consider the complaints relating to residents' education to be rectified.

While resident education was an important issue, it was not the only program-related complaint raised by residents. The next issues concerned the day program, temporary absences, outdoor physical activity, the volunteer program, orientation procedures, and the token economy system.

The day program, which is administered by Corrections, is supposed to provide an alternative to the educational program for those youths not attending school. Yet relatively little attention had been given the day program; for example it did not include any meaningful work program and was organized with a focus on the facility, rather than on the individual. The opportunity for a meaningful work program can be of assistance to a resident by providing experience which can be useful on his release from the facility.

Similarly, the opportunity for temporary absences from Willingdon facilitates a youth's return to his community and minimizes the effects of long term incarceration. Yet it appeared that staff thought such temporary absences were rarely allowed. I believed this conflicted with the intent of the Young Offenders Act.

There were also complaints about access to physical activity programs. Many residents said they had not had outside activity for long periods, even months, and I found Corrections to be negligent in not providing an opportunity for at least two hours of organized physical activity per day, using both indoor and outdoor facilities. I also felt that Corrections had not acted properly by failing to record each resident's participation in recreational activities. Without such records it is difficult to determine whether the institution is meeting residents' needs.

Willingdon's volunteer program also appeared to be poorly organized, with the result that the Centre was not adequately using available community resources which could be of benefit to residents and staff.

The Centre seemed not to have an organized means by which to provide residents with information about the rules, roles, regulations, and activities of Willingdon. New residents were given one sheet of paper about the Centre's token economy system, while the remaining relevant information was obtained in a variety of ways (usually by word of mouth); I considered this unreasonable.

Willingdon's token economy system is the mechanism through which privileges are granted or withheld. Each resident can accumulate points by exhibiting appropriate behaviour, and specified numbers of points earn the resident certain privileges. One combination of points earned residents the privilege of living in one of the "cottages" on the grounds - which was least like living in a jail. Yet, because of the limited capacity of the cottages, residents often were not permitted to move there, even if they had accumulated the required points. Also, I found parts of the system to be lacking in incentives in that some residents were classified as "non-status" (usually because of misconduct) and were not eligible for any privileges; this seemed contrary to the intent of the system which was to promote appropriate behaviour. I also found it unreasonable and unfair that certain individual privileges (e.g. a later bed time) depended on group rather than individual behaviour, and I found it wrong that cigarettes should be used to reward or punish behaviour.

Considerable progress has also been achieved on these various problems. More specifically, the following changes have been made or are planned:

1. The Director has agreed to explore the feasibility of incorporating the day program into each resident's individual timetable; since these timetables may be introduced in September, 1985, the problem of including the day program in overall case management has not as yet been rectified.

2. The addition of two program officers in March, 1985 (noted earlier) should result in improvements in the day program. Their responsibilities include work experience programs for residents; additionally current renovations at Willingdon will permit the addition of a laundry work program, an outdoor recreation program and a home life skills program.

3. In April, 1985, Corrections distributed and put into effect new policies under the Young Offenders Act. This includes a new temporary absence policy which is very clear, which acknowledges that youths in both open and closed custody facilities are eligible to apply for a temporary absence, and which lists in a clear and complete manner the criteria which the Director must consider in evaluating an application for a temporary absence.

4. Corrections stated that it planned to have an outdoor running track and an outdoor secure courtyard available for use by June 1, 1985, and that it planned to build a minimum of two hours of physical recreation, indoors and out, into residents' schedules. This partially rectifies the problem. I believe the outdoor playing field should also be secured so that all residents could use it.

5. Corrections has agreed to record the occasions on which residents did not go outside for physical recreation because of poor weather.

6. Willingdon has obtained funding for a full time volunteer coordinator, who was to start work June 1, 1985.

7. Corrections has recently implemented an orientation procedure under which new residents are given written information about the purpose of the Centre, the rules of conduct, the token economy system, the daily activities available to new residents and the role of the Director and youth supervisors.

8. On April 1, 1985, a new token economy system was introduced; under this new system residents are expected to stay in a specific living unit while they are at Willingdon, and will be able to achieve any level of privileges as soon as it is earned, regardless of the living unit to which the person is assigned.

9. Residents who have been assigned to a specific living unit because of misconduct will no longer be termed "non-status"; also Corrections has stated that such residents are entitled to a basic level of programs.

10. Corrections no longer uses cigarettes as a reward or punishment, and has instituted a maximum number of cigarettes which a resident may have in a day.

11. Corrections did not agree to remove the requirement of appropriate behaviour on a group basis as a criterion of obtaining individual privileges.

2. Case Management (A:32-33, B:17-18)

Effective case management is essential to the provision of adequate planning for services to youths while they are at Willingdon. It provides the means by which individual characteristics and needs are identified, and through which a plan is implemented while he is at the Centre. It allows for the tracking of progress, and for the effective transmission of information to others who may assume responsibility for the youth.

My staff reviewed half of Willingdon's files for sentenced youth; they found that most did not have a current case management summary, and a few had not had a case management report for over a year. This, plus

discussions with Willingdon staff led me to the conclusion that Willingdon approached case management in a haphazard manner, and had neglected to follow its own standards and policies as well as generally accepted practice respecting case management.

Because of changes in a number of other procedures, it appears that Willingdon is now moving toward a more effective case management process. More specifically:

1. Under a new procedure all new residents are now placed in a specific living unit; there, a full time classification officer is responsible for interviewing the youth, compiling pertinent information on him/her, assigning the resident to a living unit, and establishing initial short and long term case management goals.

2. Residents who stay five or more school days will receive psycho-educational assessment, and the case manager will undertake a monthly review of any plans identified by the education program.

These steps partially rectify the case management problem; however, I believe the situation warrants continued monitoring.

3. Slashing (A:33-34, B:18)

Much of the public attention accruing to my investigation at Willingdon stemmed from the publicity surrounding the outbreak of slashings in the

Fall of 1984. As I indicated earlier, slashing refers to a self-injurious behaviour in which a resident slices open his arm with any type of sharp object within reach. The intent is not usually to commit suicide, but the practice is clearly dangerous and of considerable concern. Slashing rarely occurs in the three other juvenile detention centres in British Columbia, although it does occur in juvenile institutions outside the Province.

During the past two years the incidence of both slashings and attempted suicides has increased at Willingdon, with slashing reaching a very unsettling peak in the Fall of 1984. This situation, and the apparently unique association between Willingdon and the practice of slashing, raised a number of questions about the reasons for and the prevention of slashing episodes. These issues were in my mind as I conducted my investigation at Willingdon, as I am sure they were paramount to the various administrators, psychiatrists and psychologists who have also examined the slashing phenomenon. Those professionals were unable to come to any definitive conclusions about the slashing incidents at Willingdon, and similarly my investigation points to the need for further study of the matter.

However, while definitive conclusions are not yet within grasp, my investigation did result in information which I found disquieting. My staff interviewed a number of residents who had slashed their arms repeatedly while in Willingdon; each had his own particular reason for

slashing, and each indicated that different incidents might be prompted by different reasons. However, there were similarities, and their reasons for slashing tended to fall into six categories:

a) to relieve tension/frustration/anger/depression.

b) to gain attention from staff.

c) to get extra "smokes".

d) to manipulate staff.

e) to get out of the institution, even for a short time.

f) to gain recognition from peers (copy-cat behaviour).

I have come to the tentative conclusion that improvements in case management, programs, medical services, and in the facility itself should result in a decrease in the incidence and severity of this phenomenon. Since these points were included in other aspects of my investigation, I did not make any specific recommendations on the issue of slashing, and treatment of the matter in Appendix A is therefore brief. However, I felt that Members might find it enlightening to review the information which I obtained during the course of my interviews with residents, and for that reason I have summarized the statements made by residents about their reasons for slashing.

a) One of the reasons frequently given in explanation of slashing behaviour was that it served to relieve tension, or frustration, or anger, or depression. The more "seasoned" slashers are almost addicted

to slashing as a means of relieving their tensions. To them, it is an instant relief from anxiety they cannot deal with in any other way. George* expressed it this way: "The anxiety builds so much that you can't sit down. You need to hurt. You first hurt other residents and staff. Then you end up hurting yourself. If you have to hurt somebody, hurt yourself. When you get tense, it works. It works better than any type of therapy. I knew what made me tense and knew how to relieve it". He went on to say that "the place (Willingdon) drives me nuts", especially after he realized that as a result of his sentence, he would be spe 'ng "his childhood in the hole". "At first it's cool to be sentenced for a long period of time". There was some peer recognition for that. Then the reality set in and he began to feel helpless. This resident had memorized his daily routine down to the minute. He knew every crack in the ceiling, hole in the wall and any other detail of his limited surroundings. Slashing was a "release of negative energy" and made him "feel good emotionally". This resident considered that his slashing occurred for the following reasons: 40% to deal with anxiety, 45% to get extra smokes and 15% to get attention from staff. What creates this tension, anxiety, anger and frustration that leads to this form of self-abuse?

*Names used in this section are fictitious but each fictitious name is used for one specific and identifiable resident.

In some cases it is the hopelessness the resident feels especially when confronted with a long sentence. In others, it is the powerlessness. George put it this way: "You are so subject to arbitrary decisions and there is nothing you can do. For instance, I get my smoke break at 7:30 a.m. Staff may come to me and say I can't have my smoke until 7:45. No reason or explanation is given. Some staff don't think they owe you a reason. That's the way it is. You have to accept it. I freak out. I swear, get punished, swear some more and end up in [a locked cell] and think about slashing: I couldn't help myself."

Chris slashes to deal with depression which he described as "like having the flu without being sick, being bummed out, no energy. Everything starts to build up. You're locked up and start thinking you're picked on or bugged by some staff so you go to your room and slash. You are missing the best time of your life and being locked down. Slashing releases tension, your problems go away for awhile. I slashed because I was really pissed off, freaked out, and then slashed for a release. I get addicted to it. It's like smoking." Psychiatrists and psychologists didn't seem to help this resident. They "play head games and got me so mad I wanted to throw a chair". "Slashing starts with nothing to do and thinking about what you could be doing, your family and your problems. It starts to screw you up."

Kevin implied that he was addicted to slashing. He claims to have slashed in excess of 200 times and his arms testify to it. There was a continuous series of scar tissue from wrist to elbow on both front and

back. Scar tissue complicates things for slashers because cutting old scar tissue is very painful. However, Kevin was able to "psych" himself up through the use of meditation he learned at judo classes in order to neutralize the pain. This resident was addicted to slashing as a means of dealing with frustration and anger and "liked it because it feels good". On two occasions he slashed himself with the intent to commit suicide because he "couldn't take it any more". In one instance, he passed out after serious loss of blood. He stated that he would "slash anywhere (other facilities as well as Willingdon) if he had the opportunity". While psychiatric/psychological treatment has been available to him, he rejects the treatment offered as being of no help. To him, slashing "lets the pressure off...you don't have to deal with it". Despite the number of incidents and the pain associated when the incision starts to heal, he neither regrets slashing nor will he refrain from slashing if the opportunity arises because "there is no other alternative that works".

In some aspects, he blames the system. "Kids with no history of slashing get into Willingdon and even if they take pride in their bodies and think that slashing is gross, slashing becomes the thing to do. Some of the kids who cannot slash themselves ask others to slash them. It's that crazy. But it's pretty hard to stay out of it."

b) The second reason given for slashing was to gain attention. All of the residents inverviewed quickly realized that if they slashed, they were bound to get attention from staff.

One resident stated that he was not moving through the token economy system even though he had accumulated enough points. He claimed that as a direct result of slashing, he was able to get staff to pay attention to him and he was able to move up the system. If he slashed, staff would sit down and talk to him. It was his way to get staff to deal with his problems. He thinks that a number of residents slash for the same reason.

Another resident said he first slashed in order to get attention from the staff. He got the attention and was able to get a couple of smokes, and left the building for the hospital. It almost appears that he was rewarded for slashing. He said "after he had done it, the P.O. (Principal Officer) freaked out".

All the residents interviewed agreed that one of the reasons for slashing is to obtain attention, primarily from the staff. Some want the attention so they can slow down and discuss their problems. Others want the attention in order to manipulate the staff.

c) Slashing is a way to get smokes. In a juvenile institution, smokes (cigarettes) play a major role. Smokes are a narcotic and to some residents, their only joy; cigarettes could therefore be used by the system and staff as a very effective means of control. The token economy system rewarded residents for good behaviour by increasing the availability of smokes. In fact, one resident was convinced that one

could eliminate slashing altogether by allowing unlimited smoking. Furthermore, he said that a resident who doesn't smoke in the institution has it made because staff could not use it as a control device. It is hard for me to understand the enormous impact the issue of smoking has on the institution, but clearly, it is a reality to the residents. Punishment is being deprived of smokes; reward is being given smokes. Smokes often take the place of legal tender. As one resident put it "smokes are the only thing that mellows you out".

One resident said that the first time he slashed was to get a couple of smokes; another said that 45% of his slashings were to get smokes, and yet another said that if some kids didn't get smokes, they would slash. It is a sad commentary on their conception of their own self worth and on the importance of cigarettes in the juvenile institutions that residents will go to these lengths to get cigarettes.

One resident cautioned my staff that if smokes were withheld after a resident slashed, this would not decrease the amount of slashing but rather would increase the number and severity of the slashings to the extent necessary for a resident to eventually get his smoke.

d) Manipulation of staff is the fourth reason for slashing. As is evident in paragraph (c), slashing is used to manipulate staff. Residents are aware that their slashings are going to get a reaction from staff. They also know that staff are responsible for the residents' care

and control, that a serious injury on a shift would require a full explanation, and that if supervision were found to be lacking, a staff member could be reprimanded. Therefore, if a resident was angry at a staff member, one of the most effective ways of dealing with the staff would be to slash on his/her shift. If this did not result in disciplinary action against the staff member, at least the resident might get a couple of smokes or a trip to the hospital. As one resident put it: "If a staff is being a jerk, it's the best way to get back at him". The resident went on to say that one of the most effective ways to get staff in trouble is to slash in front of a Principal Officer (shift supervisor) but behind the back of the staff you're mad at. If the staff could have prevented the slashing, he will be reprimanded. "You can really do a number on the staff."

I asked residents who had been placed in other juvenile detention centres from time to time why the residents slashed at Willingdon but not at the other centres. One said that at Willingdon, management listens to kids and if a kid can prove his case against a staff member, management will take action against staff. That was not the case in another institution in which he had been housed where he said: "The kids have no power". "Kids are more in control at Willingdon." They don't fear the staff at Willingdon because management is fair. It is ironic that more enlightened management is likely to bear the brunt of problems in this area rather than an institution which may be oppressive in its treatment of residents.

e) Slashing provides a way to get out of the institution. A number of residents who slash indicated that they do so on some occasions just to escape lawfully from the confines of the institution. When you realize that some juveniles may be spending in excess of two years in a very confined facility, one can understand the urge to escape. As one resident put it: "Everything is the same, same staff, same food, same kids". After the resident has memorized his routine and knows everything about the institution, there is a natural urge to break away. Sometimes residents escape. Sometimes they slash and request medical/hospital treatment. If the request is met by a negative response, the resident is angry. Indeed, two residents complained that after they slashed, they did not receive proper medical treatment. One resident complained that non-medical staff made the decision not to allow him to go to hospital without any medical consultation. Instead, he was given steri-strips (bandaids). He felt that staff did not provide medical attention for fear that he would escape. His scars from slashing are much thicker than if the gashes had been sutured. (The issue of medical treatment is dealt with in other sections of this report.) Again, slashing in this instance is a form of manipulative behaviour, but I cannot accept that that should be a justification for refusing appropriate medical treatment. On the other hand, another slasher himself refused medical treatment, and when staff attempted to force it upon him, he stuck paper in the lock on his cell door. In one of his slashing episodes, he required 136 stitches to close his wounds.

f) Slashing provides recognition from peers. All of the interviewed youths (slashers) stated that they did not slash to gain recognition from their peers. However, they all said that there were residents who slashed in order to brag or gain acceptance from other residents. Furthermore, a cult appears to have developed around the issue in which a number of residents will get together to "jam it up" (i.e. slash). Information is exchanged on the most effective ways to slash, on sharpening implements, and on how to minimize pain and so on. The cult distinguishes the hard core slashers from the novice or from those who merely "copy cat", commonly called "goofs". And, of course, there is the issue of visibility. No doubt to some, the display of a resident's scarred arms carries a certain amount of status among his peers. In my opinion, even where residents deny it, the recognition of peers does play a role in the slashing phenomenon.

Currently, the incidence of slashing has decreased, but it has not been obliterated. I believe the issue requires further professional study, and that the responsibility for ensuring that the required study is undertaken belongs to the Corrections Branch.

4. Time Spent In A Locked Cell (A:34-37, B:18-20)

Residents living in the secure units of Willingdon were locked in their cells when there was no staff member available to supervise them. This

meant that they were usually locked in their cells just after meal times, during shift changes, at night during sleeping hours, and during emergencies. Some residents complained that lock up time had been increased because staff could no longer take a paid meal break with the residents, and others complained about being locked up during emergencies. I found that both of these practices violated the Corrections Branch's own standard, which required that a youth be locked in his/her room only for behaviour that endangers him/herself, others, or property. Lock ups for staff meal breaks or for emergencies constituted a means by which to manage staff schedules, and I found that to be unreasonable, arbitrary and unfair.

However, these problems now appear to be rectified. More specifically:

1. In March, 1985, Corrections assigned additional staff to cover meal breaks and rest periods; residents are no longer locked up for these reasons.

2. Corrections did not agree that there had been any unnecessary locking up of residents during emergencies; however, if staff/resident ratios are maintained at a reasonable level on a living unit basis, it should not be necessary to lock up residents in order to free a staff person to cope with an emergency.

5. Facility Condition (A:38-47, B:20-24)

I found Willingdon to be woefully inadequate as a detention centre for young offenders. It was not originally designed as a closed custody institution, so cells, bars, and chain link runways were added later, as need became evident and resources became available. The result is a somewhat helter skelter development which provides inadequate accommodation for residents and which does not lend itself to easy supervision of the youths.

There are four dormitory units, each consisting of five cubicles; when the resident count of a unit goes to six, one youth must sleep on a cot in a passageway outside the cubicles. The dormitories were not well maintained; paint was peeling from the ceilings and walls, and the walls were marked and damaged. There was water on the bathroom floors which did not drain away, and residents stated that toilets and showers were often unusable. When I visited Willingdon in November, 1984, I found the furniture to be in such a horrible state of disrepair that it could only be described as junk, in one common room there was not one chair that was in good repair.

Similarly, I found the outdoor facilities to be inadequate. There is a large playing field on the grounds, but it is seldom used because its perimeter is not secure. There are four very small courtyards with low wire-mesh ceilings which are secure, but they are not set up for any specific sport, and are difficult for staff to monitor.

Some of the cell doors have an automatic lock release mechanism which would facilitate swift unlocking during an emergency such as a fire. However, in the secure section, the cell doors have only a manual locking device. In this area each cell would have to be opened individually, using one key, and when residents had been released from their cells, a staff person would have to open exit doors at opposite ends of the building. This would be a slow process, and could contribute to a loss of life during a fire.

I also found that there was a need for air conditioning on the dormitory side of Willingdon. This is not a frill; there are large windows on that side which cannot be opened to provide ventilation because of security concerns, and the temperature becomes intense when the sun shines through constantly. Both staff and residents have complained about the daytime heat in that section, and residents have found it difficult to sleep in the area at night.

Everyone seems to agree that the facility is inadequate and does need significant renovations. Some of these are underway, and still more are planned. The following summarizes progress on these items:

1. A comprehensive architectural plan has been developed to reflect both short and long term planning.

2. These plans include the construction of new facilities which should permit a reduction in Willingdon's resident count. In the interim Corrections will attempt to provide every resident with a cubicle, and if it becomes necessary to use cots, portable screens will be used to give the resident some privacy.

3. Most of the main building is to be painted by June, 1985, and a kitchen, laundry room and other rooms are to be constructed.

4. Corrections has begun construction of a secure outdoor courtyard for sports such as basketball and tennis, and a secure sawdust running track. Long term plans call for making secure the outdoor playing field, but I believe this project requires more immediate attention.

5. Corrections has stated that it has on-site maintenance men, and that when repairs are required a notation is made in a maintenance and repair book. This notation initiates action. This process should eliminate maintenance and repair problems, so I concluded that the matter had been rectified.

6. Corrections arranged for the installation of air conditioning in the dormitories by the end of May, 1985.

7. Corrections stated that in 1983 it had spent over $19,000 on new furniture, and during my investigation it spent a further $45,000 on new molded fibreglass furniture. Additionally, damaged furniture is now repaired on a regular basis.

8. Corrections has included in its renovation plans the installation of quick release devices on cell doors on Willingdon's secure side. In the interim it will install a quick release device on the fire exit door in each secure unit.

6. Medical Services (A:47-49, B:25)

The availability of medical services was of special concern because of the high incidence of slashing. Willingdon's medical staff did not work evenings or nights, although many of the medical emergencies occurred during those shifts. I also found that in some cases non-medical staff members were required to assess a resident's condition and make a decision as to whether or not a youth required further medical treatment.

I was also somewhat concerned that residents might not be receiving adequate professional care for emotional and behavioural problems. At the time of my investigation so many youths were exhibiting self-abusive behaviour that the psychologist could do little more than crisis intervention. I was afraid that without more planned consultation there was little likelihood of improvement in the situation.

A final concern related to the confidentiality of medical records. The residents' medical files were not locked up and non-medical staff had access to them. I believe that Corrections has a responsibility for maintaining the security and privacy of medical files.

The following steps have been or will be taken to rectify these problems:

1. Corrections has agreed to ensure that some staff obtain their industrial first aid ticket, and will explore the feasibility of ensuring that a staff member with such training is on evening and night shifts. I believe further monitoring is required to ensure that the goal of better medical coverage is achieved.

2. Improved psychiatric/psychological services will be provided at Willingdon; the Forensic Psychiatric Services Commission has agreed to provide treatment.

3. Corrections stated that when the nurse is off duty, medical files are locked, and only the Principal Officer acting on a physician's request has access to them. The Branch did agree, however, that a better system could be developed and stated that new policies and procedures respecting the sharing of medical information were being prepared and should be in place by August 1, 1985.

7. Food Services (A:49-50, B:26)

Most institutional food draws some complaints, so I was not surprised to receive complaints from Willingdon residents about their food. They said

they were not getting enough food, that it was often not palatable, or that it was cold when it should have been hot. I tried it myself and found it to be bland, cold and inedible. Upon further investigation, the problem proved to be more than the usual institutional food complaints. The food was provided by an independent contractor, and Corrections agreed that there was a problem with the food service. The Branch requested an assessment by the Burnaby Health Department, and was subsequently advised by the Department that the food was of an inferior quality. It has since taken steps to rectify the problem. More specifically:

1. On April 1, 1985 the food service contract was awarded to another supplier; the food has improved.

2. Corrections has requested the Burnaby Health Department to continue monitoring the quality and quantity of Willingdon's food.

8. Clothing (A:50-51, B:26)

I was also concerned about the adequacy of clothing which Willingdon provided to residents. I had received complaints that clothing did not fit or was in a poor state of repair. Some residents complained that only residents living in the cottage units got sweaters, so that others had to wear their bathrobe or pyjama top for warmth when it was cold. Many residents were wearing shorts in November, claiming that the jeans provided did not fit.

Corrections has a responsibility to provide an adequate and appropriate supply of clothing for its charges. I am not talking about style or selection or personal taste. I am saying that residents should have access to clothing of a suitable size, in good condition, and appropriate to the climate. With an institution of the nature and size of Willingdon, it appeared that it might be necessary to obtain the assistance of a person experienced in buying clothes for institutions.

Corrections considered the problem to be a short term one, resulting from delays in having clothes returned from the off-premises laundry. It felt that any problem would be corrected by the following measures:

1. An on-site laundry is to be established in June, 1985; this should eliminate delays in returning laundry.

2. Corrections' clothing consultant had undertaken a review of Willingdon's needs, and will submit a formal report in July, 1985. Annual reviews will be conducted thereafter.

9. Staffing Ratios (A:51-53, B:27)

Many of the earlier described problems can be traced to staffing inadequacies. Staff at Willingdon have a dual role: to provide custody and control of young offenders so as to protect the community from delinquent behaviour, and to provide a level of care sufficient to meet

the young offenders' needs. Given these two objectives, it is important that staffing ratios not be so high as to have a detrimental effect on either objective. In my view the increase in lock up time during meals and medical emergencies, and the lack of adequate resident programs were directly attributable to an inadequate level of staffing. I also noted that when dormitories were not full, residents would be moved into other dormitories so that one area could be closed. This maximized the staff/resident ratio, but meant that residents were continually changing beds and friends.

Staff also stated that at times one staff person would be left alone to supervise two adjoining dormitories, in other words, approximately ten to twelve residents. I consider this staffing level to be inadequate.

Corrections did not agree that staffing levels were inadequate. It provided data on its staff/resident ratios for day and evening shifts in each unit. Under "normal operating circumstances" these ranged from 1:3 to 1:8. The 1:8 ratio was found in only one unit; with this exception I agreed that the staffing levels were adequate under normal circumstances. Also, additional staff can be called in when required. I believe that the need for additional staff should be based on the unit's count (accepted staff/resident ratio) rather than on some nebulous conception of "when required".

10. Evaluations (A:53-55, B:28)

In the introductory section of this report I stressed the importance of outside evaluation, and noted the Corrections Branch's intention of changing the regulation requiring external evaluation. At this point I will simply reiterate that I consider it imperative that there be an external evaluation of Willingdon by competent professionals on a regular basis, and I would hope Members would take the necessary steps to ensure that such external evaluation remains a requirement and is in fact undertaken.

There is a need for an internal ongoing evaluation process as well. Corrections' Operations Manual requires that the Inspections and Standards Division include an assessment of the overall program in its annual review, but this had not been done. I also felt that residents should have an opportunity to express their views about Willingdon's programs, and that staff should similarly have an opportunity to voice their concerns and to participate in program design and evaluation. Corrections made the following comments with respect to these points:

1. Youths can express their views in monthly youth advisory meetings, or directly to the Director through the complaint procedure.

2. Staff participate in program assessment through bi-weekly inter-shift meetings, regular senior staff meetings, and a staff policy group.

3. The Inspections and Standards Division will begin to incorporate an overall program evaluation in its 1985 review.

11. Administration (A:56-60, B:28)

I initially expressed concern about three areas of Willingdon's administration: the Director's responsibilities, the Corrections Branch's organizational structure, and gaps in government's services to youths. However, I had no specific findings or recommendations on these matters; those interested in the nature of my concerns will find my comments in the Appendix.

CONCLUSION

People in institutions such as Willingdon are more directly affected by official action than any other segment of the population. Their daily existence is controlled by regulations, policies, procedures, practices and conduct of officials and government. Because of this, it is imperative that Willingdon concern itself with fairness and justice, as well as efficiency and containment. I believe the implementation of the recommendations in this report has moved Willingdon closer to achieving these goals.

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Legislative Assembly
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April 3, 1985

Mr. Bernard G. Robinson
Commissioner of Corrections
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Dear Mr. Robinson:

I have received your response of February 19, 1985 to my Preliminary Report.

In light of the extensive representations you have made in accordance with section 16 of the Ombudsman Act, I am withdrawing my section 22 letter of February 19, 1985. I have carefully reviewed all of the representations you have put forward in your response to my section 16 Preliminary Report. All findings contained in this report are made in accordance with section 22(1) and all recommendations are in accordance with section 22(2) of the Ombudsman Act.

I am now prepared to make final my findings and recommendations.

In March 1984 I notified the Corrections Branch that I had received complaints from many residents at the Willingdon Youth Detention Centre. These complaints fell into two general areas: a) increased lockdown time; and, b) the lack of programs for residents.

In November 1984 my investigators undertook a full investigation of these general concerns. My Initial Report (dated January 11, 1985) provided preliminary findings and anticipated recommendations on the following issues:

1. programs for residents
2. case management practices and procedures
3. resident self-abuse
4. time spent in a locked cell
5. facility conditions
6. medical services
7. food services
8. clothing
9. staffing ratios
10. evaluations
11. administration

The investigation concerned the current situation in Willingdon in each of the areas identified as issues. This was done through interviews with residents, staff and administration and through direct observation by my investigators and myself over an extended period of time since March, 1984. This was not meant to be an academic treatise or public enquiry into the operations of the Corrections Branch, but rather an investigation of the Centre as it was at the time. Our findings are based, not on what it is intended to be or what it might be in the future, but what was observed at the time of the investigation.

In your February 19, 1985, response to my Preliminary Report you claim that at the time of my investigation the Corrections Branch was taking action on many of the areas covered by my preliminary findings and anticipated recommendations. Concrete evidence of implementation of many of the proposed actions was not observed by my investigators or provided by the Corrections Branch. I do not intend to argue over whether the Corrections Branch planned, at the time of the investigation, to implement a particular policy or action. What is important from my perspective is that the action be implemented. If implementation is planned for some future date then evidence of such a plan, or at minimum a firm commitment as to the time frame for implementation, is expected.

We did not get into a review of policy and tacitly accepted policy as is. My recommendations to date do not preclude an examination of Corrections Branch policy and procedures as they relate to youth correctional programs in general and Willingdon in particular.

In addition to our own observations we consulted with Dr. Gerry Fewster, a highly respected authority in the field of institutional child care.

Dr. Fewster spent two days in British Columbia meeting with Government officials, institutional staff and our investigators. He obtained additional "facts and opinions" through telephone conversations with "other individuals, connected with the operation of the Willingdon program." Dr. Fewster's findings and recommendations, provided with my Preliminary Report, will be incorporated into my final Report.

In assessing the various issues included in my investigation I applied the principles described in the Young Offenders Act and the principles of fairness both as envisioned in the Ombudsman Act, and represented by the concept of natural justice in the Corrections Manual, reflecting the courts' concern with minimal standards of administrative justice. I have reviewed each issue from the perspective of the administrative fairness of the activity and the procedures related to it.

Young people in conflict with the law need to experience contacts with persons in authority that live up to the standards of administrative fairness. It is not the job of Correctional staff to mete out retribution but to provide custody to ensure that society is protected

from illegal behaviour and to provide supervision, discipline, control, guidance and assistance consistent with the special needs of youths. Each official's interaction with youths in custody should be able to survive a test of administrative fairness and appropriate conduct. Young people in the government's care and custody are as much entitled to fair treatment as any British Columbian. If they do not receive it, we damage their relationship with society. We teach them the wrong lessons. The Young Offenders Act provides a set of principles to which the activities of all programs providing services to young offenders under the Act should adhere.

These principles, the yardstick against which the functioning of the Centre's activities and programs can be measured, are summarized as follows:

1. Young people should not be dealt with in the same way as adults but should bear responsibility for breaking the law.

2. Society must be afforded "the necessary protection from illegal behaviour."

3. Young offenders "require supervision, discipline and control, but, because of their state of dependency and level of development and maturity, they also have special needs and require guidance and assistance." Young persons have rights and freedoms including those stated in the Canadian Charter of Rights and Freedoms and the Canadian Bill of Rights and should have special guarantees of their rights and freedoms. They have the right to be heard and to participate in the processes that lead to decisions that affect them.

4. Young people have the right to the least possible interference with freedom keeping in mind the fact that society must be protected. The needs of the young persons and the interests of their families must be weighed in the balance with the least possible interference with freedom and the protection of society.

These basic principles outlined in the Young Offenders Act and the principles of administrative fairness provided the foundation on which my findings and recommendations are based.

Administrative justice is no more or no less than our continuing search for ways and means of ensuring justice for the citizen in his many dealings with public authority. The Ombudsman Act in Section 22(1) outlines a range of opinions and judgments I may arrive at on completing an investigation. All my investigations focus on a decision, recommendation, act, omission or procedure. It is important for the public to be informed of how I interpret administrative justice. The Ombudsman Act provides the terms I may use in arriving at my findings and recommendations. These terms and principles of administrative justice which are used throughout this Report, are as follows:

Negligent - Negligence in administration may be defined as failure to exercise proper care or attention in the performance of a public duty.

Oppressive - An act or decision is oppressive which is intended to bully a citizen or which has the effect of overburdening him in the pursuit of his legal entitlement. If an authority uses it's superior position or knowledge to place a citizen at an unreasonable disadvantage or to obtain compliance with its wishes in respect of an otherwise unrelated matter, it acts oppressively.

The application of arbitrary, unreasonable, or unfair procedure. - An arbitrary procedure is one which fails to permit the views of those who have a legitimate interest in the ultimate decision to be heard before the decision to be made. Procedural unfairness manifests itself in many ways and it encompasses an arbitrary procedure. An unreasonable procedure is one which fails to achieve the purpose for which it was established.

Acted Improperly - This phrase implies an intention to bring about adverse consequences, or a reckless disregard for adverse consequences which the authority ought to have known would arise from this act.

As previously stated I also considered the expert opinions provided to me by Dr. Fewster. I found the basic principles that Dr. Fewster outlined in his original report extremely useful in arriving at my findings and recommendation. Throughout this Report I have emphasized certain fundamental beliefs as identified by Dr. Fewster, which are:

1. "Society has a fundamental obligation to attend to the developmental needs of all children and young people.

2. Regardless of status, each young person should be acknowledged and treated as a unique, valued human being.

3. Where confinement is used for the protection of society and/or the 'punishment' of the offender, the deprivation of freedom is sufficient to reflect society's disapproval. This act does not embody the right to enforce additional physical, emotional or sensory deprivation.

4. Where action is taken to effectively change the behaviour or attitudes of confined juveniles in a prescribed direction, such actions should be clearly identified, monitored and implemented by individuals who are acknowledged to be a) accountable and b) competent.

5. Ultimately, personal responsibilty arises where individuals learn to make choices from available options. Such learning can only take place in an environment that actively 'speaks back' to individuals in the form of relevant, meaningful and predictable consequences.

6. Individuals who are unable to meet their basic needs for personal security, consistent human contact, self worth, integrity and control will resort to desperate and irresponsible measures to counter such deprivation.

7. Programs that are designed to impinge upon the freedom normally associated with living in society should remain highly accountable and highly visible."

Dr. Fewster also provided a definition of the purpose of the Youth Detention Centre which I believe is useful information to keep in mind.

> "The Willingdon Youth Detention Centre is considered to be the only large closed custody resource for juveniles on the lower mainland. As such, the facility must be prepared to receive any juvenile who is deemed to require a custodial setting following sentence or while waiting Court appearance. Some juveniles admitted to the facility are 'known' to the residential staff while others may be simply 'dropped on the doorstep'. According to the official position espoused by representatives of the Corrections Branch, the basic task of the Centre is to confine the youngster until the termination of sentence or the date of the Court appearance.
>
> Given the relative shortage of specialized residential programs for delinquent and troubled youth in the Province of British Columbia, the chances are that most high risk young people will eventually be caught in the Youth Detention Centre net. This probability is significantly increased by the fact that the only recognized treatment facility (The Maples) is perpetually full and projecting a lengthy waiting list. In spite of this reality, however, Branch officials adhere strictly to the position that Willingdon does not, and should not, provide "treatment" services. The reasons given for this stance ranged from the suggestion that treatment services are inordinately expensive to the notion that many probation officers would be anxious to place youngsters in the Centre if it was generally accepted that they would receive treatment or some form of rehabilitation.
>
> While it is recognized that custodial care reflects the primary purpose of the Youth Detention Centre, it seems readily apparent that the program and facility must somehow contend with a large population of high risk youngsters with great variation in problem and need, for periods of time ranging from a few days to two or

three years. Given the nature of sentencing practices, the long term residents might be expected to be those with the greatest personal and social needs. Without a range of services designed to differentially attend to the spectrum of needs within the Centre, the institution can be no more than a juvenile prison designed to hold youngsters until they are ready to graduate to the adult system. Without some clearly stated developmental goals or rehabilitative ideals, residents, particularly those serving lengthy sentences, might be expected to share in the sense of purposelessness, lose investment in their futures and engage in a range of transitory acting out behaviours designed to provide immediate stimulation and control."

The decisions and recommendations in this report are numbered in the same way as the findings in the Preliminary Report. This is to facilitate cross-reference to the Preliminary Report.

ISSUE 1: PROGRAMS FOR RESIDENTS

General

Lack of programs is a serious problem in Willingdon.

Some youths complained that they were bored and had nothing to do. Some said they wanted to go to school and couldn't. Others appeared to be satisfied because they were able to watch unlimited T.V., play cards or "shoot" pool, but at the same time acknowledged they lacked interest in actively doing something.

A major concern for staff within a secure custody facility centers around control and supervision of aggressive or acting out behaviour and the possibility of escape. The demands this places on staff coupled with staff's responsibility to provide care consistent with the needs of residents necessitates three primary conditions: high calibre, well trained staff; an adequate staff to resident ratio; and an adequate physical facility that will reduce the likelihood of escape and provide adequate internal control. If youths are not permitted to attend programs because of concerns about their security, the frustration level for the youths increases. This may in turn trigger behaviour that reinforces the concerns about security and behaviour control. As this spiral escalates the youths may become more and more difficult to manage and the possibility of placement in programs becomes more remote.

Staff claim they cannot provide supervision, discipline and control of youths, and provide programs at the same time. They maintain there are too few staff on shift for each unit to enable some staff to provide supervision while others provide programs. They are aware that they may be disciplined if residents escape or leave the facility without authorization (AWOL). Their first priority is to provide security. Again because of the small number of staff on shift for each unit, it appears their first priority must become their only priority.

This section of the Report, on programs for residents in Willingdon, examines education (schooling), day programs, physical activity programs, volunteer programs, orientation of new residents and the token economy system.

A. RESIDENT EDUCATION

Society has long recognized the importance of educating young people. Legislation is in place to ensure that all youths under the age of 15 receive adequate schooling. When a youth is charged with an offence and remanded in custody or is placed in custody by a judge for a specified period of time, the obligation to provide education remains. In correctional facilities for young persons across Canada, the importance of providing a high level of specialized education services has been recognized and incorporated into the institutional programing. The Ministry of Education and the Corrections Branch recognize this obligation and have developed policies and procedures toward this end. However, during my investigation I found that the level of education services in the Willingdon Youth Detention Centre may not live up to the expectations outlined in legislation, regulation, policy and in joint commitments between the Ministry of Education and the Corrections Branch. In fact, the education system in Willingdon is so inadequate that under the best circumstances, less than one-half of the Centre's population is in school at any given point in the school day.

In providing education services to youths in Willingdon a number of difficulties and problems exist:

1. The resident population is made up of both short term and long term residents.

2. Some residents do not want to participate in education programs whether under or over the age of 15. Under the School Act all youths under the age of 15 are required to attend school.

3. The needs of residents in institutional settings vary over a wide spectrum. Many of the youths in custody have deficient educational backgrounds and have had rather negative experiences with the public school system. Consequently, education must be presented in a package that does not trigger the same negative responses but will provide a useful educational experience. This requires a curriculum which will be both interesting, and designed to meet the individual needs of each youth.

4. The behaviour of youths in custody range from apathy and passive compliance to aggressiveness and hostility toward staff, teachers and other students.

These problems provide a challenge for both the administration of the Centre and the teachers within the school program. However they can also become excuses to justify an inadequate education program.

It appears that the evolution of education programs within correctional facilities has been as an adjunct to day activities which you describe as day programs. During the period that Willingdon served as a remand centre (prior to 1977), the bulk of the programming during the day was done through "day programs" involving work, recreation, and staff supervised activities. The local school district was responsible for providing funds for the two teachers.

In 1977, when Willingdon's role was expanded to include "sentenced" youths, the Ministry of Education assumed responsibility for funding and monitoring education programs within containment centres. The Ministry of Education provides the funding for the local school districts who employ and supervise the teachers. Willingdon was provided with five teachers.

The relationship between the corrections-run day activities and education was apparently not addressed at the time of the transition. That this was not addressed may, in part, account for the fact that education has not been given the degree of priority within the correctional centres that it should have been given. Day activities have continued to take up the slack for inadequate education resources.

In this section, I have identified a number of specific concerns relating to education. These include the administration of the education programs, availability of education to all residents, the curriculum provided, the number of hours of education (quantity), and the facilities.

#1 Education - Responsibility of Corrections

Issue

I am concerned that accountability for providing education programs to all youths in Willingdon be clearly identified.

The Ministry of Education, under the 1977 agreement with the local school board, provides education programs within the Willingdon Youth Detention Centre. Under this agreement the Director has no authority to provide direction to the education staff except in matte s relating to the security of the building and even this area seems vague. The Director is responsible for working with the school district to ensure that youths receive education services but there is no direct control over either the Ministry of Education for funding or the school district for provision of educational programs.

Representations by the Corrections Branch

In your response to my Preliminary Report you stated that education must remain under the administration of the local school district. However, your response does not deal with some of the basic questions around accountability for education programs for residents in Willingdon. These include ensuring that:

a) The program is available to all residents in the Centre.

b) Education is incorporated and integrated into the overall programming for residents, including case management planning. "Case management" must become the central ingredient for pulling information together for each individual resident. To be effective, it is imperative that a representative from the education program participate in the case management planning for all residents in the Centre.

c) The education program is responsive to the individual needs of the residents and is monitored for problems, adjustments and areas of strength and weakness.

d) Concerns over the program are communicated to the he J teacher.

Although education programs were jointly developed and implemented by the Ministry of Education, the School District and the Corrections Branch, responsibility for ensuring that all youths receive education programs remains with Corrections.

In the strictest sense the Corrections Branch is not responsible for providing education to the residents of Willingdon as this is the responsibility of the Ministry of Education through the school district. However, this does not excuse the Corrections Branch from playing a role in ensuring that all youths receive the level of education they are entitled to by law. The Director of Willingdon and his staff must ensure that youths are provided with the necessary incentives to elicit their participation in the education program. Contrary to your position, institutional staff are responsible for carrying out many of the functions that are part of the parenting role. This is even enshrined in the Young Offenders (British Columbia) Act, 1984, which states that "parent" includes "a person who ...has, in law or fact, the custody or control of the young person" (interpretation section). Staff have in "fact" "control" of the youths in Willingdon. Staff in this role as "parent", must provide the necessary structure and motivation to encourage the residents to participate in educational programs. The Corrections Branch must not abdicate responsibility for ensuring that every youth in Willingdon is provided with incentives and encouragement to participate in the educational program. Although the provision of incentives for residents to attend educational programs primarily rests within the education program (e.g. curriculum, classroom environment and teaching skills), responsibility also rests with the staff to ensure that individual residents attend the education program.

Ombudsman's Decision and Recommendation

1. I find that the Corrections Branch has been negligent in not taking a more active role to ensure that all residents receive appropriate educational services.

   I recommend that the Corrections Branch take a more direct role in overseeing that residents in its care receive appropriate educational services.

#2 Education - Attendance

Issue

A major problem described in my Preliminary Report concerned the lack of attendance in the school program by residents in the Centre.

According to the teacher in charge of the school program, the school teachers draw up a class list for each week of school on Friday and implement it the following week. Under normal circumstances, vacancies from the school program that occurred through the week were not filled until the Monday of the following week. Management stated that by the end of the week, the number of residents attending school was usually low as residents opted out, were released from the Centre, had medical appointments, were out on temporary absence passes, or had been removed from the school classroom because of inappropriate behaviour. Most sentenced residents had the option of attending school; residents who posed a security risk or were on short term remand did not.

The ratio identified for the school program is 1 teacher to 6 students. As there are presently 5 teachers on staff, the maximum number of students that can be accommodated is 30. The capacity of Willingdon is 88 youths and even discounting those persons with less than 5 school days (short term remand) the school could not possibly accommodate all school age residents.

Representations by the Corrections Branch

Since my investigation in November the school district has agreed to provide one additional teacher to the school program. According to the Director the new teacher's duties will commence in August or September, 1985. In addition, a person responsible for curriculum development and timetable planning has been assigned responsibility for Willingdon and The Maples effective January 1, 1985.

Your response recognized that the trailers were not secure but claimed that this issue was addressed prior to the Ombudsman's investigation. You then go on to state that "the school trailer is currently in the process of being secured" with a completion date "during February, 1985". The investigation took place in November of 1984 and your

response is dated February 19, 1985. It is true that you may have recognized this issue prior to the Ombudsman's investigation but you certainly had not "addressed it by completing the required renovations". As stated earlier in this report my investigators reported on what was in place at the time, not on what you "planned for the future". I believe, by using this line of argument you are attempting to trivialize the significance of the issues raised in the investigation. I am pleased, however, that the problem with residents being barred from the school trailer, because it was not secure, has been rectified, and that the security of the school trailers has been upgraded to accommodate any resident regardless of security rating.

According to recent information from the Director, the School District has agreed to provide school programming for all residents who are in the Centre for more than five school days. Youths on short remand but residing at the Centre for more than five school days will be included in the school program. Youths who are scheduled to stay fewer than five school days will be placed in the day programs within the Centre. Timetables will be developed for each youth in the Centre whether or not he is in the school program.

In spite of all the positive changes that I see happening at Willingdon I was distressed by your comment about the reason why some youths do not attend school. You make the statement that the School Act "provides for the exclusion of youths who have a 'physical or mental condition inimical to the health or welfare of other pupils.'" You state in your response that "these sections can be reasonably construed as permitting the non-attendence of the very small population of youths under 15 years who may also be short term remands, security risks or disciplinary cases." It appears to me that this was deliberately taken out of context of the School Act. To place your statement in context, section 100(5) of the School Act states:

> "If a teacher suspects a pupil is suffering from a communicable disease or other physical or mental condition inimical to the health or welfare of the other pupils, he shall report the matter to the school medical officer, to the principal and the district superintendant, and may exclude the pupil from school until a certificate is obtained for the pupil from the school medical officer or private medical practitioner permitting the pupil to return to the school."

Section 101 of the School Act goes on to state that:

> "On receipt of a report under section 100(5), a district superintendent shall:
>
> a) call a meeting of the principal, teacher and other persons he considers appropriate to consider and recommend to him alternatives suitable for the education of the child; and
>
> b) advise the Board and school medical officer of the school district of the recommendations made under paragraph (a) and measures being taken to provide for the child's education."

These two sections clearly spell out the procedure to be used to exclude youths from attending school. These procedures are not referred to in your response nor do I believe they have ever been used in Willingdon for youths who do not attend under the educational program. These sections cannot, in my view, and contrary to your claim, "be reasonably construed as permitting the non-attendence of the very small population of youths under 15 years who may also be short term remands, security risks or disciplinary cases."

The reference to section 113(1) of the School Act simply speaks to the prosecution "of a person under this section for an offence with respect to the failure of a child to attend public school, it shall constitute a good defence to prove that the child is prevented from attending school by sickness or another unavoidable cause". The Branch has not "proven" that length of remand, security risk, or discipline constitutes unavoidable cause.

You further state in your response that "s.113 of the School Act places the burden of responsibility for insuring the school attendence of youths under 15 years on the "parents or guardians". You state that "in law, the Branch is not the parent or guardian of the youths who have been remanded or sentenced to custody. Hence, there is no evidence that the Branch has acted contrary to law." As stated earlier, the Young Offenders (British Columbia) Act, 1984, section 1, includes in the definition of parent "a person who has, in law or fact, the custody or control of the young person. The term "parent" is not defined in the School Act. In my view it is totally unrealistic to suggest that the "burden of responsibility for ensuring the school attendence of youths...", who are in secure custody or any other institution is placed on the shoulders of the youths' parents in the community."

Under the School Act attendance for youths under 15 is compulsory (section 113) but school must also be provided for youths 15 years and over.

Ombudsman's Decision and Recommendation

2(a) I find the complaint that youths who were a security risk could not attend school because the doors and windows were not secure substantiated. It is now rectified.

2(b) I find that the Corrections Branch acted contrary to law in not providing education for youths under 15 years of age.

I recommend that the Corrections Branch ensure education programs are provided to short term residents.

2(c) I find the Corrections Branch negligent in not providing education to school age children under the age of 19.

I recommend that timetables be developed for each resident and that positions vacated can be immediately filled by residents waiting to get into the education program.

#3 Education - Curriculum based on individual needs

Issue

I am concerned that the education curriculum does not meet the individual needs of the residents in Willingdon.

The head teacher stated that the school program consists of classes in English, Math, Physical Education, Woodworking and Social Studies. Management staff stated that the school program was not meeting the residents' special needs, and that the curriculum's content was not broad enough to attract the attention of some residents.

Many of the residents in the Youth Detention Centre had significant difficulties in the public school system prior to coming into the Centre. They may have been expelled for behavioural problems or dropped out of school for a variety of reasons. These students may not adapt well to the core curriculum subjects provided in the typical academic setting. Courses such as Art Education, Industrial Education, Life Skills, Vocational Training, Work Skill Development and other subjects provided in community alternative educational programs ought to be an essential ingredient of institutional education for young offenders. Some course could also be designed to provide a meaningful education experience for youths who may only be in custody for a few days. Science courses were not provided for residents wishing to work on core curriculum subjects. There were no facilities for the laboratory work normally associated with science courses and there is no teacher to provide this course.

The Ministry of Education states in a booklet on educaticnal programs for correctional facilities that it is the major goal of the educational program "to provide school development which will allow the youths involved to return to the school system, to undertake further training or to enter the world of work".

The Ministry goes on to state that "it should reflect the nature of the setting (open or closed centres), available facilities, staff interest, abilities and skills, should be as similar as possible to the provincial core curriculum". Althouth the Ministry of Education places emphasis on core curriculum, it also recognizes that residents in containment centres have special needs and require special programs.

The Corrections Branch policy states that "the curriculum should be adapted to the age, capacity and interests of the individual and the group, and it should aim for an educational experience realizable within the limits of the length of stay of the individual". The use of testing and case management are critical in developing curriculum based on the needs of individual residents.

Representations by the Corrections Branch

One of the critical areas of concern is in the area of curriculum development for youths with special needs. You stated in your response that "both the School District and the Corrections Branch have acknowledged the need for improving the curriculum at Willingdon." I understand that a person has been appointed effective January 1, 1985, to assume responsibility for curriculum development and timetable planning for both The Maples and Willingdon. The plan is to add Science, Art, Remedial English and individual tutoring time through adding an additional full time teacher and by increasing "efficiency (class size, length of school day)". This is a step in the right direction.

Your response states that the Ministry of Education has committed resources to curriculum development. However, other than stating that there is a plan to add Science, Art, Remedial English and individual tutoring time, there is no concrete evidence that the planned implementation of these courses with the limited number of teachers available will ensure that the curriculum is geared to the individual needs of the residents.

Ombudsman's Decision and Recommendation

3. I find the Corrections Branch negligent in not living up to its commitment to work closely with the Ministry of Education in developing a curriculum which is geared to the individual needs of the resident and is adapted to the age, capacity, interests of the individual and the group.

   I recommend that the Corrections Branch immediately seek appropriate program changes from the Ministry of Education and school district to meet the individual needs of the residents at Willingdon.

#4 Education - Testing

Issue

I am concerned that testing for residents entering the education program is not adequate.

The identification of each resident's educational needs as he enters the school program requires that testing be completed. The head teacher explained that usually each teacher tested the resident in the subject he/she taught to determine the resident's ability level, and then kept the results in mind when instructing the student. He stated that testing is necessary as it is often difficult to get a resident's school records prior to the resident's entry into the school program.

The level of testing did not appear to be adequate. In-depth assessment of a student's abilities, weaknesses and other factors that would affect his performance in a school program should be an integral part of the assessment process. This would assist the teaching staff in providing programs geared to the unique needs of individuals.

Representations by the Corrections Branch

According to your response, "the teachers at Willingdon employ the procedures of the individualized education program (I.E.P.), which includes the development of short and long term goals that are recorded on the youth's educational file." However, this only applies to students in the school program, not to all youths in the Centre.

The Corrections Branch, Ministry of Education and School District have reviewed testing for youths in the educational program at Willingdon. They agree that the educational assessment of longer term youths would be desirable and are planning to "administer standardized educational testing to longer term youths". According to your response, additional funding will be made available to the School District for "psycho-educational" testing to be administered by educational psychologists as needed. Although you do not provide a time frame for implementation of the testing, the Director of the Centre anticipates that the testing will begin April 9, 1985. The plan is to do much of the testing during the "intake period". The intake period is the first 5 days after admission. Greater accountability and better case-management would be achieved by recording, on a youth's institutional file, information including the type of test, the date it was administered and a summary of the outcome.

You state that the practice of testing residents is in place. However, in my anticipated recommendation I refer to the need to develop "policies" on testing.

Ombudsman's Decision and Recommendation

4. I find the Corrections Branch negligent in failing to ensure that residents receive testing for their scholastic aptitude and possible learning disabilities.

I recommend that the Corrections Branch, in conjunction with the Ministry of Education and the School District, develop policies requiring that all residents staying at the Centre for more than 5 school days, receive a thorough educational assessment and,

I recommend that these policies ensure that short and long term educational goals are developed for each and all residents and,

I recommend that a record of the implementation of these policies be kept on each resident's institutional file (results of testing and the educational plan).

When I receive confirmation that the plans for testing currently being made will be implemented, I will consider the complaint rectified.

#5 Education - Twelve Months

Issue

Residents are confined to the Centre year round and require programs throughout the year.

It is the policy of the Corrections Branch that educational programs or their equivalent be provided on a twelve-month basis. This policy states that, "modified but no less intensive, individualized programs should be contracted for during periods when the public schools are not in session". According to the available information, residents at Willingdon have not been receiving educational programs or their substitute twelve months of the year. In past years one or two teachers have worked during the months of July and August providing a summer educational program.

Representations by Corrections Branch

My investigators were told that the school program at Willingdon was not open and staffed during August, 1984. However, you stated that one teacher was assigned to Willingdon and provided an educational program during that month.

Assuming that there was one teacher available, I must nevertheless state that I consider this inadequate. For the 1985 school year you state that the Ministry of Education has provided for two full-time teachers in the months of July and August and that the Corrections Branch, Ministry of Education and School District " remain committed to the continuance of the summer school program."

In your response to my Preliminary Report you do not address the issue of contracting for intensive individualized programs during the summer period. To replace the school program would, to my mind, require contracted services to make up the equivalent of four additional teachers based on the commitment by the Ministry of Education to provide Willingdon with six regular teachers. Supplying two teachers for the summer remains inadequate.

Now to the real issue: does the Centre provide a program for 12 months of the year? Based on my Preliminary Report and your response, it appears to me that the Corrections Branch did not provide school or a "modified, but no less intensive, individualized program" for residents 12 months of the year as required by its own manual of operations.

Ombudsman's Decision and Recommendation

5. I find the Corrections Branch was negligent in that it did not provide school or an equivalent program for residents 12 months of the year as required by its own manual of operations.

I recommend that all youths have the opportunity to participate in educational programming or its "equivalent" 12 months of the year.

#6 Education - Hours of Schooling

Issue

I am concerned that residents receive an adequate amount of schooling.

School is in session for 2 hours and 35 minutes in the morning, and 1 hour and 30 minutes in the afternoon. Most students can only attend part-time as the maximum enrolment is 30, assuming a current complement of five teachers and a ratio of 1 teacher to 6 students. The school can accommodate less than one-half of the resident population at any given time. However, there are not 5 teachers on duty at all times during the school year. The teachers working during the summer must be given time off. Therefore, at any given time there may be only 4 teachers working with 20 students in school.

I also found that school was not open the required 27.5 hours. The School Act Regulations (section 21, 15[c]), states that "[i]n secondary schools, the school day for instructional purposes shall not exceed 6 hours, and the total hours in the school days in any calendar week shall be not less than 27.5 or more than 30". I interpret this section to mean youths should be attending school 27.5 hours per week. Using Lakeview as an example, individual students are provided with 26 hours and 40 minutes of schooling.

Representations by the Corrections Branch

My Preliminary Report stated that residents receive only 12 1/2 hours of education per week as opposed to the required 27.5. You responded that youths in Willingdon receive an average of 15 hours of actual instruction per week. Whether 12 or 15 hours, this is significantly under the 27.5 hours referred to in the School Act. This average is approximately 3 hours per day per youth who is actually in the educational program. This does not reflect the average number of hours of education per week for the Institution as a whole.

You acknowledge that the length of the school week at Willingdon(20.5 hours) does not satisfy the requirements of the School Act regulations but state that the School District is increasing the length of the school week from 20.5 hours to the required 27.5 hours of instruction.

You also state that the School Act permits part-time school attendance and that this is consistent with the Correction Branch's policy which states that the curriculum should be adapted to the "age, capacity and interests of the individual and the group." You assume in your reponse that the reason youths are not receiving a full day of educational programs is that they do not have the capacity to attend more than part-time. Documented evidence must be provided on a resident's file as to why he cannot attend school full time. No such evidence was observed

by my investigators. "Capacity" should not be used to justify the limited educational program which can accommodate residents on no more than a part-time basis. In fact, by using this as a justification it clearly subverts the intent of the Branch's own policy that the curriculum should be adapted to the age, capacity and interests of the individual and group and overlooks the role of the Centre's staff and administration to motivate residents to attend school. If youths are not attending school because they do not have the capacity or interest to do so, then why is the curriculum not being changed to include this group?

The excuses provided for part-time attendance are simply not acceptable.

Ombudsman's Decision and Recommendation

6. **I find the Corrections Branch negligent in not ensuring that individual residents are provided with the number of hours of schooling required under the School Act Regulations.**

I recommend that all youths receive the 27.5 hours per week of education that is available to students attending community schools unless there is documentation on the resident's file justifying less than full time attendance.

#7 Education - Facilities

Issue

I am concerned that residents are provided with a stimulating learning environment.

The educational program is carried out in two double-wide trailers joined to the main building by a high chain link fence with a metal roof. The classrooms are the type used as overflow for overcrowding in the public school system. However, their location inside a chain link fence topped by barbed wire, and with doors and windows that are secured with steel mesh to prevent escape, give the buildings a suppressive air. The portable trailers provide four classrooms. Three of the classrooms are used for instructional purposes and one is used as a staff room. Dr. Fewster stated in his comments on the classroom trailers at Willingdon that "a school facility that should be providing a stimulating learning environment is grossly inadequate both in terms of size and appearance."

Representations by the Corrections Branch

The issue here is not one of quantity or size of space within each classroom but overall quality of classroom facilities. Your point that there has been considerable improvement in the facilities used prior to 1983 only speaks to even worse conditions than those in existence now but is not an excuse for the inadequate facilities of the present.

The Centre has a woodwork shop, an arts and crafts area, a gymnasium and a swimming pool. According to the Director, the math program will move into the pastor's office "to make room for science in the trailers".

You state that the long term plan for Willingdon will involve the conversion of the dormitory section of the building into classroom space. No time frame is provided for the conversion. However, with the implementation of the change in age under the Young Offenders Act (effective April 1, 1985), the Director has informed my investigators that plans for implementing this change will probably be delayed for two or three years.

I am happy to note that Science will be added to the curriculum for Willingdon. However, you stated that the teaching staff at Willingdon do not feel that there is a need for a fully equipped science laboratory and that the facilities currently available at Willingdon are adequate for this purpose. You also state that a fully equipped science laboratory may pose risks to the health and safety of residents and staff. I do not find this argument convincing or acceptable. It seems reasonable to provide at least a modified science laboratory with basic equipment. This would assist the students in developing a practical understanding of science, as well as meeting educational guidelines for the science curriculum.

Ombudsman's Decision and Recommendation

7. I find the Corrections Branch negligent in not providing adequate facilities for the education program.

I recommend that appropriate educational facilities be provided for classroom, laboratory, and individual instruction. The construction of such facilities should take into account my recommendations concerning Science and alternative educational courses.

B. DAY PROGRAMS

#8 Day Programs - General

Issue

I am concerned that day programs may be used as a substitute for education. This section should be reviewed in relation to section #2 (Education - Attendance) of this report, which discusses the attendance of residents in education programs.

A distinction has been made in Willingdon between the education program, which is run as a separate entity from the regular institutional programming, and "day programs", which are to provide an alternative for residents who cannot participate in the Centre's education program. This distinction is spelled out in the Manual:

> "...in order to reduce tensions interfering with the successful education program, the Director should provide a separate program during school hours for:

1. Youths whose adjustment to the school programs appears improbable for mental or emotional reasons, and

2. Youths who have otherwise been exempted from school attendance."

Given educational assessments, timetables for individual residents and an improvement in case management I would expect that the Branch provide clear criteria for involving a resident in a day program rather than in education. The decision to place a resident in a day program should be part of case management identifying the needs, the goals, the activities utilized to meet these goals and evaluation of progress. The reasons for placement in a day program rather than educational program should be placed on the resident's file and specific goals should be established for participation in day programs.

Representations by the Corrections Branch

In your response you state that "the school district is responsible for educational programs and the Branch is responsible for day programs for those who (lawfully) did not attend school. The recommendation that all day programs be operated as part of the school program is not acceptable insofar as the Branch has clear responsibility for day programming of those who (lawfully) do not attend school".

I recognize that the intent of day programs is to provide a separate program for youths who do not attend school. However, there is a serious danger in Willingdon that day programs may be used as a substitute for school. If youths are not motivated to attend school or the curriculum is not consistent with the individual needs of the youth and they do not see school as a viable option, then day programs become the alternative. This may release the Ministry of Education from its obligation to provide educational programs. The Corrections Branch should not develop alternative day programs simply because youths do not want to attend school. The initial step must be to ensure that the curriculum of the school program is consistent with the needs and interests of the youth. According to the Director of Willingdon there will be a timetable established for every youth whether or not the youth is in school. Where a quality day program (e.g. arts and crafts) exists the day program could be built into the individual timetable as part of an overall educational experience. I believe that this needs to be taken one step further to include a curriculum for every youth so that day programs can become a constructive part of the overall developmental process for the youth.

Ombudsman's Decision and Recommendation

8. **I find that the Corrections Branch is negligent by not including day programs as part of overall case management program for the individual resident.**

   I recommend that day programs become part of the overall case management for individual residents and,

   I recommend that day programs not be a substitute for educational programs.

#9 Day Programs - Meaningful Program

Issue

I am concerned that day programs provide an adequate alternative educational experience.

A senior staff member stated that, apart from the education program, the Centre provides little for residents during the day in the way of programs. According to the senior staff member, day programs are very limited so as to motivate the residents to attend school. Residents who choose not to go to school, who are unable to go to school because of their short stay or security rating, fill their day with T.V., cards, reading, writing, playing board games or pool, talking to other residents, or sleeping.

My Preliminary Report stated that day programs at Willingdon are very limited. My investigators found that there was little offered to youths under the Manual's definitions of "meaningful work programs". While the residents are expected to do a superficial clean-up of their living area, this can hardly be recognized as "work programs". The activities that youths engage in as part of regular daily living is simply that: daily activities. If a youth under special circumstances needs to develop skills to engage in daily activities, I would accept this as a work program, provided a written plan existed and was on the youth's case management file.

Other programs such as arts and crafts must be included as part of a meaningful day program.

Day programs must cater to individual resident needs as identified by effective case management.

Representations by the Corrections Branch

You state that at present five youths are involved in work programs which I acknowledged in my preliminary report. However, you state that I omitted to report on the development of laundry facilities that will employ a further ten residents. At no time during my investigation were my investigators informed of this plan. Besides, it is even now only a plan. My report dealt with the reality I found.

My investigators observed that during the course of the year (1984), 5 work program positions in food services were eliminated because food services were contracted out.

You acknowledged that as the school curriculum is developed and the number of residents attending the school program increases, the demand for work programs will decrease. However, two additional positions are being added to the staff to "enhance work and program activities". Given the Branch's commitment to develop the school curriculum, I am unclear what it is these new staff members will be doing, and I would appreciate more detailed information.

Ombudsman's Decision and Recommendation

9. I find the Corrections Branch is negligent in not providing a meaningful work program as part of the day program.

I recommend that the Branch offer a meaningful work program within the Centre as one component of the day program.

I recommend that further programs such as arts and crafts be added to the day programs. When two individuals are appointed to these two positions and their mandate has been defined, and the work program in the laundry is implemented, I may be able to consider this matter rectified.

#10 Day Programs - Temporary Absences

Issue

There are circumstances when participation by residents in work or other programs outside the facility may be desirable.

Programs may include maintaining the grounds or carrying out other activities as part of the Community Services Order Program. The Young Offenders Act has provisions for the release of youths for specific periods of time, with one of the purposes being to facilitate a youth's reintegration into the community to minimize the effects of long-term incarceration. Some staff at Willingdon have made the assumption that under the Young Offenders Act, the residents' security ratings have changed from the days preceeding the Act. They believe that the need for security for residents in the youth detention centre has increased. That in turn has severely curtailed the availability of outside activities for the residents.

Representations by the Corrections Branch

You have stated in your response that the current population at Willingdon is made up of more serious offenders since the Proclamation of the Young Offenders Act. Therefore, you conclude that the next "logical and appropriate step is to open custody, not to community activities". I am unable to accept this and do not believe that it is a fair interpretation of the Young Offenders Act. In addition, I do not consider the term "activities" synonymous with "meaningful work programs".

I realize that Willingdon is a secure custody facility. The Young Offenders Act, in its definition of temporary absences, refers to granting absences to youths in "secure or open custody".

You have also stated that "an escorted absence is, by legal definition, a temporary absence". However, the Branch's draft policy on temporary absences procedures makes a distinction and states that:

> "A formal Authorization for Temporary Absence is not required for emergency medical absences or for absences continuously supervised by an on-duty security/correctional officer. In these cases, a notation in the unit log is sufficient."

Ombudsman's Decision and Recommendation

10. I find the complaint about temporary absences substantiated and rectified in part.

The new policy is still in draft form; I may make further recommendations should later examination lead me to conclude that these guidelines fail to reflect the individual needs of residents as well as the philosophy of the Young Offenders Act.

C. PHYSICAL ACTIVITY

#11 Physical Activity: Minimum Level

Issue

My concern is that residents receive adequate planned physical recreation activity. By planned physical recreational activity I mean exercise, including sports, aerobics, running and walking.

Outside activity at Willingdon is almost non-existent. Most youths at the center stated that they have not been outdoors for any sort of activity for some time. Fresh air and sunlight are fundamental to a healthy environment. Being deprived of these elements impairs residents' mental and physical health. Where a government body has the power to limit severely, a resident's liberty, it nevertheless has a responsibility to provide a healthy environment. In my opinion, this includes providing outdoor exercise. From the information collected, I believe that youths attending school, or living on the dormitory side of the Centre usually have the opportunity for at least 1 hour of physical activity a day. However, residents in the secure units may not be as fortunate.

Almost all activities take place indoors, with the exception of a few games played outside in the summer by residents who are not considered a security risk. Each unit on the secure side of the building has a "court yard" attached to it.

A minimum standard for young residents should be that they are able to engage in physical activities for a minimum of two hours per day. At least one hour of this time should be for outdoor recreation. United Nations standard minimum rules for the treatment of prisoners, adopted, in 1957, section 21 states "every prisoner who is not employed in outdoor work shall have at least one hour of suitable exercise in the open air daily if the weather permits." My interpretation of this statement is that the resident should have the option and he should be the one who makes the decision to go out or not during bad weather.

Representations by the Corrections Branch

You stated that "every youth has the daily opportunity for at least one hour of physical activity in the gymnasium or the pool". Staff informed my investigators that "some" of the residents have the option of a one hour swimming period three nights a week. At the time of my investigation there were only two staff members on duty who had required certification to take youths to the pool. Based on the limited availability of these staff and that only residents who know how to swim, could make use of the swimming pool, I suggest that physical activity is extremely limited. Staff have a responsibility to do more than just provide "opportunity" but to ensure that available activities are of interest to the residents and incentives in addition to the token economy are in place to encourage participation.

I was informed that two additional staff positions have been added to the Willingdon complement to enhance the work and program activities but I was not provided with any specific information about their duties. I have no assurance that these positions will enhance physical recreational activities.

According to the information provided by you, the construction of a secure outdoor recreation area is underway. The outdoor recreational area will apparently provide "outdoor recreational opportunities" e.g. basketball, volleyball, for all youths and steps will be taken to ensure that every youth is afforded such an opportunity for a minimum of one hour per day. You also state that an outdoor sawdust running track has been approved but do not comment as to the development of a secure perimeter around this area.

With the implementation of the volunteer coordinator position at Willingdon, the administration anticipates that the recreational officer will be able to devote greater attention to recreation.

Ombudsman's Decision and Recommendation

11(a) I find that the Branch is seriously negligent in not providing a minimum of two hours of planned physical recreational activity that is consistent with the needs and interests of the residents.

I recommend that all residents, regardless of status, have the opportunity for at least 2 hours of organized physical recreational activity each day, using both indoor and outdoor facilities.

11(b) I find the Corrections Branch uncaring and oppressive in not taking youths outdoors for at least one hour per day.

I recommend that immediate action be taken to ensure that all residents receive at least one hour of outdoor planned physical recreational activity per day.

#12 Physical Activity - Record of Events

Issue

I am concerned about the failure to record residents' participation in physical recreational activities.

My Preliminary Report stated that it is very difficult to track how much time a youth actually gets in physical exercise a day because this information is not recorded on the resident's file. The only recording being done was of recreational opportunities offered to residents, but not actual participation in recreation.

Representations by the Corrections Branch

While I can appreciate your concern that recording individual recreational activities would be time-consuming, I cannot agree that it is an "unnecessary bureaucratical process". As I see it, record-keeping is essential in that it allows for staff to monitor the level of a resident's participation and cooperation in group activities, it encourages staff to comply with manual standards, and it enables an internal or external audit of recreational participation. The Corrections Branch escapes accountability by not keeping records and as previously stated, without accountability there is no way of determining administrative justice.

Ombudsman's Decision and Recommendation

12. I find that the Corrections Branch acted improperly in not keeping records of each resident's participation in recreational activities.

    I recommend that the time spent in recreational activities be accurately recorded for each resident. The information contained in these records must include individual participation in physical recreational activities or reasons for a resident's non-participation.

    I further recommend that when outdoor recreation is not provided due to inclement weather, written justification be provided to the Director and recorded in the unit log book.

D. OTHER RELATED PROGRAM ISSUES

#13 Volunteer Program

Issue

One of the greatest assets to institutional programming is the involvement of volunteers.

An effective volunteer program requires active recruitment, a thorough orientation and training, and effective support and supervision. Volunteers do not replace staff but enrich the programs staff can provide. Volunteers are generally seen by the residents as persons who have a special interest in them. They are there because they want to be. Volunteers, if properly recruited and trained, can participate in

virtually all aspects of the Centre. They can interact with individual residents and participate in particular programs or activities. They can provide adult supervision for taking youths into the community and can support administrative functions such as hosting visitors to the Centre.

Representations by the Corrections Branch

While Willingdon does, indeed, boast an impressive "volunteer program", in terms of volunteer hours, responsibility for the development and management of such a program was at issue. Volunteers are not to be used to supplement inadequate staffing and are entitled to direction and support from the administration. It is my understanding that the Elizabeth Fry Society pulled their volunteer services out of Willingdon for a short period of time, because of a lack of direction and role clarification. I also realize that the Society is now back providing services one night a week and are satisfied with their newly defined positions.

Responsibilities for coordinating volunteers should not be delegated to line staff as continuity of supervision is crucial to the successful operation of a volunteer program. The Director of Willingdon has informed one of my investigators that a full time volunteer coordinator has been approved for this purpose.

Ombudsman's Decision and Recommendation

13. I find it wrong for the Centre to fail to provide a staff whose only responsibility is to coordinate volunteer programs.

    I recommend that the Centre work with the community and make good use of the community's resources through volunteers, and that the Centre have a volunteer coordinator whose only job it is to provide an effective volunteer program.

    When the full-time volunteer coordinator position has been filled I may accept this as rectification of this complaint.

#14 Orientation for New Residents

Issue

Arriving at Willingdon for the first time is no doubt a frightening experience for a young person. Many youths who have not been in custody have no comprehension of what happens inside an institution. An effective orientation can deal with unwarranted fears and anxieties of a newly admitted resident.

Responsibility rests with the Corrections Branch staff to provide a thorough orientation giving information about rules, programs, daily activities and a general overview of the Centre. It appears that the only piece of written information available to the residents of the Centre and its programs is a sheet explaining the token economy system. While the Centre has an orientation checklist that lists ten items which the Admissions Officer must discuss with a resident on admission to Willingdon, this approach does not appear to be effective.

Representations by the Corrections Branch

You acknowledged that the Corrections Branch has not been complying with the regulations, and you agreed to implement my recommendation to provide written information about the purpose of the Centre, the rules of conduct, the token economy system, the daily activities available to new residents, and the role of the Director and supervisors. I appreciate the Branch's willingness to comply with my recommendation.

Ombudsman's Decision and Recommendation

14. I find the practice of giving a youth one sheet of written information about the token economy system rules only, is an unreasonable procedure.

I recommend that the Corrections Branch provide all youths, upon admission, with written information outlining the rules of the Centre, the token economy system, the daily activities available and the role of the Director and Supervisors.

I consider this complaint substantiated. Upon implementation of the orientation procedure, I may consider it rectified.

E. TOKEN ECONOMY

#15 Token Economy - Procedures

Issue

At Willingdon, privileges are granted or withheld on the basis of points earned through hourly assessments. There are three levels, each with specified privileges available to residents at that level. Level I is housed in Unit One in the secure side of the building, Level II is in the dormitories and Level III in Hawthorne Cottage or the trailers. The trailers were closed down at the time of the investigation due to a low resident count.

Level III is seen by the residents as the "plum". However, Level III is restricted to approximately 10 youths as this was the number that the boys section in Hawthorne Cottage could accommodate. A number of youths prior to and during my investigation complained that they could not progress to Level III due to a lack of space.

Representations by the Corrections Branch

You again imply in your response that information that was provided to my investigators was deliberately omitted from my report, in reference to the opening of Magnolia Cottage. My investigators were informed that the 11 beds that would be available in Magnolia Cottage, would be used for assessment purposes. I believe that Willingdon staff and Corrections Branch staff were given the opportunity to provide me with the details about how Magnolia Cottage would be used, within the Level system, but for some reason did not do this. In addition, the Director of the Centre has indicated that the Level system may be changed to a unit system; however, no specific details were provided.

Ombudsman's Decision and Recommendation

15. I find that the procedures of the token economy system are unreasonable and unfair in that once residents have achieved the points required to reach a higher level they are not invariably given the privileges associated with that level.

    I recommend that this procedure be altered so that when residents achieve the necessary points they receive the privileges associated with that level.

#16 Token Economy - Incentives

Issue

Token economy is effective only when incentives are in place.

As previously mentioned Level I is the first step of the token economy. Residents at this level are housed in the secure side of the building and many of the youths have been "red circled" (considered as a high security risk) or are on the "non-status level" (youths who have committed a "gross misconduct" i.e., assault, damage to property). Residents are provided with individual cells while at this level. If a resident moves to Level II, he is moved into the dormitories. As most residents prefer private cells, the dormitories are not an incentive for some youths to move from Level I to Level II. One youth commented that "time goes faster on Level I because you can sleep away your day." While my investigators were at Willingdon, the residents in the secure units were either playing cards, watching T.V. or sleeping.

If the intention of the token economy system is to encourage and reward positive behaviour then the rewards must be seen by the residents as being fair and desirable. As it stands now,"non-status" residents are not entitled to any privileges and while there are some privileges (five according to the Policy Manual) associated with Level II the fact that residents lose their individual cells at this level often prevents residents from being motivated to reach this goal.

Representations by the Corrections Branch

Contrary to your statement that I did not provide any evidence to support my findings, the above information is not based on my subjective feelings, but rather the views of the residents at Willingdon, the very people for whom the system should be designed.

You further imply that I have viewed the token economy system in a negative way. As I stated in my Preliminary Report, it was not my intention, at this point, to do an in-depth analysis of the token economy but I only looked at Willingdon's use of the system.

You have stated in your response that a number of incentives are provided to residents to encourage them to move through the level system. While this may be true at Level III, this does not apply to non-status residents. Willingdon's Policy and Procedure Manual states that residents at non-status level do not get any privileges. The privileges listed for Level II and III included outside activities and "arts and crafts and other programs at designated times...". I interpret this to mean that non-status and Level I residents are not afforded the opportunity to participate in these activities/programs.

I am unable to accept the Corrections Branch application of "non-status" rating to young offenders. I understand that this label is given to those youths who have committed a "gross misconduct". However, their behaviour does not warrant being treated as a pariah class of people, deprived of basic rights, i.e. outdoor activities and regular programming.

Ombudsman's Decision and Recommendation

16. I find that the procedures of the token economy system are unreasonable and unfair in that the token economy system does not provide the incentives necessary to encourage residents to move to less restricted levels.

    I recommend that this procedure be altered so that the residents are provided with incentives that encourage movement through the levels.

#17 Token Economy - Group Punishment

Issue

I am concerned that group punishment may be used to control individual behaviour.

The token economy system is built on the premise that it is the individual's behaviour that counts and the objective is to have the individual take responsibility for his own behaviour. However, staff are withholding individually earned privileges because not all members of the group of residents in the unit have maintained the accepted level of behaviour. In order to receive a later bedtime, all residents must have

earned the maximum "points" on the previous day. I think that when an individual's behaviour qualifies him for certain privileges, he should not lose the privileges because of the behaviour of other group members. Using group punishment enables staff to ignore dealing with the individual whose behaviour is inappropriate. In addition, members of the group become responsible for dealing with an individual's behaviour. This method of control places the resident in a powerless position because he does not have the means to control the group, only his own behaviour. One young offender should not police others with the government's sanction. It should not come as a surprise that some youths may use inappropriate methods of exacting the desired behaviour from others (known as "running the rings").

This form of group control creates a sense of unfairness for those residents who suffer unjustly (i.e. an individual who has earned enough points to earn a later bedtime but others in the group have not). From my experience with the youths at Willingdon it appears they can accept discipline provided that it is fair and equitable. The youths expressed concerns that those individuals responsible for negative group consequences are subjected to retribution from staff and other residents. Staff are in a position that enables them to have members of the group control individual behaviour.

I view this method of control as an improper delegation of authority. In the Claim case (your file #84-102 and 11-006) an inmate cook had, in effect, been delegated certain disciplinary functions. The Manual of Operations states that "the Director shall be responsible for the management, operation, program and discipline (my emphasis) and security of the Youth Corrections Program...". My view was that responsibility must not be delegated or assumed by unauthorized individuals. The Corrections Branch acknowledged that the inmate cook did not have the authority to impose sanctions on the residents.

I believe the Branch's position of condoning the delegation of disciplinary action to the peer group is offensive in principle. One young offender should not police others.

Representations by the Corrections Branch

You state that this form of group control is not group punishment but is instead "peer influence". I recognize that peer influence can be used as an effective teaching strategy, however, when an individual must suffer for another's behaviour, the lesson is usually lost.

Ombudsman's Decision and Recommendation

17(a) I find it an unreasonable and unfair procedure to withhold certain privileges from an individual because of the behaviour of other group members.

I recommend that the procedure be modified to eliminate group consequences for individual behaviour.

17(b) I find it improper for the Corrections Branch to allow the group to control an individual's behaviour.

I recommend that the Corrections Branch ensure that there is no direct or indirect delegation of authority to residents.

#18 Token Economy - Cigarettes

Issue

I believe cigarettes should not be used as a reward or punishment for residents.

Several of the youths interviewed stated that there are two primary motivators for moving up the levels in the system; increased cigarette smoking and greater freedom. To quote one youth's comment, "those who don't smoke have it made in Willingdon". Each level of the token economy system has increasing privileges associated with it. However, the main difference between the levels, according to the residents, is that there was increased smoking (unlimited smoking at Level III) and increased freedom (e.g. day passes and temporary absences). Other activities are Arts and Crafts and additional gym and swimming times if staff are available to supervise. It appeared that other than the day passes and temporary absences available to a limited number of residents at Level III, additional cigarettes was the most significant privilege available to residents to encourage their movement through the system.

Representations by the Corrections Branch

You state that the Branch Management Committee (May, 1982) took the position that cigarettes should not be used as a reward or punishment. You further state that "the use of cigarettes within the token economy system could be seen in conflict with that position". I suggest that not only can it be seen as such, but also it <u>is</u> in conflict with the Branch's own position. This position was taken over two and one-half years before it was implemented at Willingdon on February 22, 1985. This case clearly demonstrates one of my major concerns that Branch policy often exists on paper only and may not be implemented in reality.

The policy implemented at Willingdon as of February, 1985 states that the maximum cigarettes per day is 10. Formerly, residents at Level III were permitted unlimited smoking. I understand that Level III residents first were told that the decrease in the number of cigarettes was based on the Ombudsman's recommendation. Residents have now been correctly informed that the decrease was the result of the implementation of the Branch Management's decision.

Ombudsman's Decision and Recommendation

I have been informed that the practice of using cigarettes as a reward or punishment was stopped at Willingdon on February 22, 1985.

18. **I find the former practice of increasing the number of cigarettes as a reward, and withholding cigarettes as a punishment, was wrong.**

I consider this complaint substantiated but rectified by recent action.

ISSUE 2: CASE MANAGEMENT

#19 Case Management

Issue

Case management is pivotal to the provision of adequate care and services to residents.

As I see it case management involves more than "case managers" simply arranging to see a resident when it is convenient and submitting a report by a certain date. Case management is a procedure that identifies specific problem behaviours, describes goals and objectives (i.e. what is to be achieved), a step-by-step plan of action (how it will be achieved) and methods by which the plan can be evaluated. In addition, long term goals must be set (i.e. release planning) and trained personnel must be responsible and accountable for monitoring and reviewing documented case management reports. It does not appear that such a structure is in place at Willingdon. The "new case management form" may assist in the structuring of an acceptable case managment procedure.

My investigators reviewed over half of the files the Centre has for sentenced youths. They obtained copies of both typed and handwritten case management reports. As I stated in my Preliminary Report "most of the files did not contain a case management summary that was current (compiled within the past month)...and a few files that had no case management reports for over a year".

Representations by the Corrections Branch

In response to my report, you state "where formal case management reports were not completed, case management had, indeed, been completed, but not committed to writing". This statement, coupled with my findings, indicates to me the total lack of understanding around case management procedures. In the course of my investigations, I have been concerned about case management and how institutions practice case management. I was greatly impressed with the case management system in place at Valleyview Hospital (an institution for the geriatric mentally ill).

Your response stated that "staff are trained in case management (Block II, Justice Institute)", however, you did not provide any details regarding the duration or intensity of this training. Staff must be provided with adequate case management training to ensure that they develop the skills required to be effective case managers.

It appears to me that the Branch is willing to accept haphazard attempts at summarizing information as meeting the commitment to case management. One of the key components of case management is the documentation of a case management plan and the youth's progress, to ensure continuity and consistency (i.e. a new worker should be able to carry on with a program based on the recorded information) to indicate the rate of progress being made and to alert the case manager to any problems with the plan that may need revision. Without proper recording, effective case management does not exist. Finally, it is essential that a procedure be put in place that ensures regular and on-going communication between all the key people involved with each youth (i.e. institutional and community professionals and the family).

While the Branch's policy supports the concept, my investigation revealed that only lip service is being paid to case management.

Ombudsman's Decision and Recommendation

19. I find that the Corrections Branch is seriously negligent in not providing case management for residents in accordance with its standards and policies and generally accepted practice.

I recommend that the Centre study the case management systems in facilities providing services to institutionalized persons such as Valleyview, and;

I recommend that the Centre develop comprehensive training programs for case managers.

I plan to review the case management procedures again in two months to ensure that the formation and implementation of case management is in accordance with standards and policies.

ISSUE 3: SLASHING (Resident Self Abuse)

Issue

Over the past few years there has been a serious increase in the incidence of self-injurious behaviour such as attempted suicide and "slashing". "Slashing", a macabre phenomenon unique to Willingdon in this province, is a form of self-injurious behaviour in which a resident uses any form of sharp object to slice open his arm. It is distinguished from cutting the wrist in that the intent of slashing by and large, is not to commit suicide. Slashing rarely occurs at the three other juvenile detention centres in the province although it does occur at other juvenile institutions outside of British Columbia. The reported number of incidents of slashings and attempted suicides in Willingdon over the past two years is cause for serious concern.

This issue has also received considerable attention from the media. The behaviour raises a number of questions: Why does it occur? Why is it unique to Willingdon? Can it be prevented? And more specifically, is there a cause and effect relationship between being confined at Willingdon and slashing? These questions have been pondered by administrators, psychiatrists and psychologists without any clear conclusion. My staff have interviewed a number of residents who slashed their arms repeatedly while in Willingdon. The interviews were enlightening and disquieting. While each resident had his own particular reasons for slashing, there were definite similarities. Each resident interviewed indicated that he was motivated to slash for different reasons at different times. The following are reasons given for slashing:

a) to relieve tension/frustration/anger/depression.
b) to gain attention from staff.
c) to get extra "smokes".
d) to manipulate staff.
e) to "get out" of the institution, even for a short time.
f) to gain recognition from peers (copy-cat behaviour), Cult phenomenon.

I believe that the magnitude of this problem requires further professional study. Management is aware of the problem and should initiate further professional study directed at decreasing the incidence of self-destructive behaviour.

Representations by the Corrections Branch

In your response you stated that "the slashings at Willingdon have dissipated" since November of 1984. You go on to state that "the Branch will encourage professionals in the academic community to continue research in this area."

Ombudsman's Decision and Recommendation

My Preliminary Report did not contain any specific, critical findings and recommendations concerning this issue. However, I believe that implementation of my recommendations on Case Management, medical services and other areas dealing with programs, facilities and activities will assist in decreasing the number of incidents and severity of this behaviour.

ISSUE 4: TIME SPENT IN A LOCKED CELL

Lock-up - General

Residents in the secure units of the building are locked in their cells when there is no staff member available to supervise them in the day room. In the secure side of the building (Units 1 through 4) there is a day room in each unit. The day room is the area outside the cells where the residents watch T.V., play cards and eat their meals. Being locked up in a cell affects different residents in varying ways. One resident who was interviewed stated that some youths prefer to be locked up

because they can sleep away their time and time passes more quickly. However, most residents find that the time spent in a cell goes by very slowly because of boredom. Residents are locked in their cells at mealtimes, during shift change, when there is an emergency and during sleeping hours.

Residents, while locked in their cells, are checked once every 15 minutes. Some residents felt isolated by this practice while others appreciated the privacy.

#20 Lock-up - Meal Periods

Issue

I understand that there has been an increase in lock-up time because staff no longer eat with the residents.

Youths complained that in recent months they were locked up more frequently during the day especially around mealtimes, when staff take a half-hour meal break. Since the collective agreement established between the province and the B.C.G.E.U. came into effect in January of 1984, staff can no longer accumulate time off for the extra 1/2 hour they worked during mealtime when they ate with the residents. Instead, staff take a one half hour meal break away from their work station. This means that staff no longer eat with residents. At the time of the investigation it was noted that once residents had eaten their meals, they were locked up while staff took their meal break.

Now that the paid meal break has been eliminated, the Corrections Branch has no doubt saved money. However, as a result of this cost-cutting measure, both staff and residents have acknowledged a loss of valuable social interaction. Meal time is an important time for positive communication between people. Residents feel isolated from staff. Both residents and staff resent this policy which eliminates this otherwise positive period of time together. From my point of view, this increases the negative effects of incarceration, fails to encourage positive interaction and puts distance between staff and residents.

Representations by the Corrections Branch

In response to my anticipated recommendation, you stated that the Corrections Branch will make further resources available to effect further reductions in lock-up time. I understand that a staff member has been assigned to provide relief for the regular staff during meal breaks and the Director of the Institution has informed my investigator that as a result residents are no longer locked in their cells over the meal period. However, I have not received a written statement or policy confirming this.

You also state that the Corrections Branch is considering "some modification" of the lock-up standard so that the standard will reflect "current realities". This modification would result in increased lock-up time contrary to the existing standard. I find this appalling.

You commented in your response to my Preliminary Report, that in the past I had not substantiated two complaints about lock-up time and that when this issue was discussed at a meeting held at the Willingdon Youth Detention Centre staff from my office were satisfied with the Corrections Branch's position on this issue. The full extent of the use of lock-up was not apparent to me at the time, nor was the issue dealt with in the context of the conditions which came to light as a result of my in-depth investigation. On the basis of the information that had been provided to us by Branch officials at that time it appeared that the Corrections Branch attempted to deal with the issue of lock-up time and I gave you the benefit of the doubt in coming up with a solution. There is no question that I should not have closed these complaints as "not substantiated" but rather should have taken the issue through the process in which I am now engaged.

Ombudsman's Decision and Recommendation

20. I find the Branch's approach to managing unpaid meal breaks by locking residents up is an unreasonable, arbitrary and unfair procedure.

I recommend that the Branch adhere to its standards with respect to locking residents up.

I recommend that the Corrections Branch formally assess all costs and benefits of the provisions regarding meal breaks in the 1984 collective agreements, and, in particular, the loss of good will and interaction between staff and residents, and provide me with a report on the outcome of the assessment by May 30, 1985.

#21 Lock-Up - During an Emergency

Issue

Locking a resident in his cell should only be done for the purpose of controlling his behaviour.

Locking residents in their cells occurs when there is an emergency, for example, fire, attempted suicide, or physical injury. When an emergency occurs on evening shift (1500 - 2300 hours), residents are locked up so that a staff person is freed to cope with the emergency or, if a youth requires medical attention, to transport him to hospital. While management contends that emergencies do not happen very often, staff disagree. Residents are locked up in emergencies because there are not sufficient staff to cope.

Corrections Branch Standards (D-3, 5) require that a youth be locked in his/her room only for behaviour that is a danger to him or herself, others or property.

Representations by the Corrections Branch

Your response stated that principal officers at Willingdon were asked to recall instances over the past year when an emergency resulted in lock-up time. Outside of the three incidents that had occurred while my investigators were carrying out this investigation only three other incidents apparently could be recalled. This conflicts with the evidence provided to me by Willingdon staff that lock-ups had been occuring on a frequent basis on individual units in recent months. It is understandable that when management asked staff about this, staff would deny that lock-up occurs except in extreme emergencies. To admit to regularly locking up youths in emergencies would be an admission of willfully violating Corrections Branch policy.

Your response stated also that it would be imprudent management for the Branch to post regular extra staff for such infrequent occurances. I had not requested that the Corrections Branch "post regular extra staff", simply to deal with emergencies when they occur. If the building was adequately staffed, staff could provide both the programs and control required. When there is one staff on duty for 8 to 10 residents, it is not surprising that lock-ups have to occur to free staff to deal with emergencies.

As I stated earlier, I would find unacceptable any attempts to modify the Branch Standards (D-3,5) in order to make policy suit the system without regard to the needs of youths.

Ombudsman's Decision and Recommendation

21. I find that locking residents up for reasons other than control or protection of the youths is unreasonable, arbitrary and unfair.

I recommend that the Branch ensure that staff comply with existing standards; and,

I recommend that when staff place youths on lock-up for any reason, the circumstances and duration be recorded and submitted to management in written form.

ISSUE 5 - FACILITY CONDITION

Facility Condition - General

In my Preliminary Report I made recommendations regarding "Dormitories/Overcrowding" under the section "Staffing Ratios". Please note that this issue is now included in "Facility Condition - General". In addition, I have made further recommendations concerning the general facility conditions of Willingdon.

Issue

Residents in the care of the Corrections Branch require adequate facilities.

In my Preliminary report I stated that the capacity of each dormitory unit is six residents. This was based on the capacity figures provided by the institution. However, I subsequently found that there are only 5 cubicles in each dormitory. When the resident count is 6 one youth must sleep on a cot outside the cubicles in the passage way.

My report provided a brief overview of the Willingdon Youth Detention Centre facility: the woefully inadequate accommodation for residents, a physical layout that does not lend itself to supervision, a physical plant that was not designed as a secure custody facility, buildings located helter-skelter around the main building and connected with chain link runways, classrooms in trailers, and a generally cold institutional design reflect the ad hoc development of the Centre and lack of long term resource planning and development.

The Inspection and Standards Division of the Corrections Branch has recommended that the dormitory capacity be reduced from 8 to 5 persons. The Branch states in its response that it agrees "that 7 youths in a dormitory, although this is infrequent, is too much if Willingdon is not overcrowded." Willingdon should not exceed its capacity and this capacity should be based on 5 residents per dormitory, not 6. Increasing the count by placing cots in the passage way is not an acceptable practice. You stated that "a new procedure has been instituted so that a dormitory unit will not exceed 6 residents under normal operating circumstances". It is unacceptable that normal circumstances would require one youth sleeping on a cot in the passageway.

Both staff and management acknowledge that the Centre is poorly designed; it does not provide staff with the ability to monitor, and interact with, residents. On the secure side of the building, the cells are situated off a corridor that runs away from the staff office and the commons area. Thus the cells are some distance from the activity areas for staff and residents. As mentioned earlier, there are 4 small courtyards with dimensions of approximately 8.5 by 9 metres, enclosed by 4 walls and

heavy wire mesh overhead. These courtyards are not utilized because staff cannot monitor simultaneously what happens in them, the commons room, the cells and the bathrooms. With a maximum of two staff on each shift in the secure unit, staff simply cannot monitor closely all residents and allow them easy access to all four areas of the unit at once. As a result, most residents remain in the commons room watching T.V. or playing cards, and if a resident wants time away from the group, he can elect to be locked in his cell.

One section of the building contains cell bars, which were acquired from an adult prison when it closed, and then installed in Willingdon. These bars present a bleak picture for both residents and staff and are hardly conducive to dealing with the needs of the residents locked inside.

The dormitory side of the building has four units. Two units utilize one common room and two units do not have a common room.

Not only is the present facility inadequate but the new construction is perpetuating the problem. The installation of "Candy Cane" fencing around the secure courtyard is an example of the Corrections Branch using ad-hoc decision making. This has resulted in the construction of facilities based on adult prison design that does not take into account the needs of youths.

Representations by the Corrections Branch

In responding to my general comments about the physical condition of the facility, you noted that this issue remains a concern for the Branch. You go on to state that the report "is incorrect in asserting that no long term plan for upgrading exists." You further state that "such an upgrading plan was initiated prior to the Ombudsman's investigation and is available for your perusal." At the end of the paragraph you state "the Branch also has authorized planning for a comprehensive, architectural review of Willingdon, with a long term goal of reducing its operating capacity to 76 youths by converting the dormitory side, to program space". You state that this plan was also initiated prior to the Ombudsman's report. During the investigation my investigator spoke with Facilities Management Unit, the Director of the Centre, and the Director of the Implementation Project for the Young Offenders Act. The Directors of Willingdon and the Implementation Project stated that they had not seen a renovation plan for Willingdon. The Facilities Management Unit stated that they were not aware of any design plans for major renovations to Willingdon. It may constitute an intention but that hardly qualifies as a "plan".

You state that a plan for a comprehensive architectural review "for converting the dormitories into program space has been undertaken". Again, an intention can hardly be called a plan. I understand from the Director that the "plan" has been put on hold as proclamation of the age change may result in an increase in the number of residents in custody.

Your reference to a long term facilities plan for youth custody facilities developed in anticipation of the Young Offenders Act and approved by the Branch in 1983 refers, as I understand it, to the development of facilities in other parts of the province with limited resources being allocated for the necessary renovations to bring Willingdon into the twentieth century.

Based on the information provided in my Preliminary Report under Facility Condition and Accommodation, the Corrections Branch response and the fact that a "comprehensive, architectural review of Willingdon", has not been provided I have made the following findings and recommendations.

Ombudsman's Decision and Recommendation

I find that the Branch is negligent in not providing a comprehensive architectural plan which would upgrade the accommodation for residents to an acceptable level.

I recommend that a comprehensive architectural review be completed with the objective of providing accommodation for residents consistent with their needs and to provide facilities which maximize staff's ability to monitor, supervise, control and interact with residents in a secure environment.

I recommend that the Facilities Management Unit review recently constructed facilities for young offenders in other parts of Canada and the United States and be prepared to consider this information in planning renovations or construction of secure facilities.

I find the practice of having residents sleep on cots in the passageway in the dormitories unacceptable.

I recommend that the every resident in a dormitory be provided with his own cubicle.

#22 Facility Condition - Outdoor Recreation

Issue

My concern is that the present outdoor facilities allow residents to participate in adequate and sufficient planned physical recreational activities. There are two outdoor facilities referred to in this section. The planned secure courtyard and the secure playing field.

The size of the planned secure courtyard is not large enough to accommodate the needs of all residents for any given day. The only outdoor areas available for residents housed in the secure section of the building are 4 enclosed courtyards. One courtyard is available for each secure unit. The courtyards are approximately 8.5 by 9 metres and are

surrounded by the exterior walls of the building on all four sides with heavy wire mesh suspended 8 feet overhead. There is no visual contact with the outside world except the sky. In summer the courtyards are unbearably hot and in winter they are dark, dismal and practically unusable.

While it appears to me that the secure courtyards are not large enough to meet the needs of residents, the field as it presently exists does nothing to alleviate the problem. Residents, if they are at Level III and have security clearance, are sometimes permitted to leave the building to play on the field adjacent to Willingdon. However, as there is no security fencing around the perimeter of the field, staff state that they are reluctant to take youths outside as they are concerned about escape.

The Corrections Branch Standards states:

> "the youth program shall ensure that a range of indoor and outdoor recreational opportunities are provided, based on both the individual interests and needs of the residents and the composition of the group" (D-2, p. 2); and that
>
> Youth Containment/Detention Centres shall incorporate, inside the security perimeter, an all-purpose, outdoor, athletic field for use in team sports and measuring at least 92 metres (100 yards) on any side. The field should be primarily landscaped with grass and be adequate for sports such as baseball, softball and soccer." (G-2, p. 9).

According to these Standards, the Corrections Branch is obliged to provide outdoor recreational programs and an area which can be used for field sports. The United Nations Minimum Standard Rules for the treatment of prisoners also requires outdoor facilities.

Representations by the Corrections Branch

In my Preliminary Report I quoted the Corrections Branch's standards and policies because they were consistent with what I considered to be fair. The Corrections Branch's attempt to qualify this statement by saying they are dependent on "resource availability" and apply only to "new design or reconstruction" does not resolve the problem. United Nations Standard Minimum Rules for the Treatment of Prisoners, Adopted, 1957, section 21 states "every prisoner who is not employed in outdoor work shall have at least one hour of suitable exercise in the open air daily if the weather permits". This statement is in keeping with my belief that even if youths are contained in a secure facility they must be able to get outdoors to play and exercise.

I am pleased to see that even though the Corrections Branch does not see itself as having "an immediate obligation to provide outdoor recreational programs", it has begun constructing an outdoor recreation area. The Corrections Branch has further indicated that an outdoor sawdust running track has been approved.

I would be inclined to view this complaint as being rectified were it not for my concern that the outdoor recreation area being constructed may not have security fencing thereby limiting its use. In order to find this complaint rectified, I need to be assured that the area will be accessible to all residents and the time frame within which the construction is to be completed.

The Commissioner must ensure that all residents receive at least one hour of outdoor exercise per day. Failure to do so puts Canada in disrepute by failing to abide by United Nations Standards.

Ombudsman's Decision and Recommendation

22. I find the Corrections Branch negligent in not providing the facilities to permit youths outdoors for a minimum of one hour per day.

I recommend that immediate action be taken to provide the required outdoor activities for residents.

I recommend that the outdoor athletic field be secured so that all residents may have access to it.

#23 Facility Condition - Fencing

Issue

During my investigation I dealt with the issue of fencing the secure courtyard. My findings were based on the information obtained from the Director and the Facilities Management Unit (FMU) representative, at the time of the investigation.

Representations by the Corrections Branch

My investigators were told that the Director of the Centre did not have the opportunity to make the final decision nor was he consulted for approval to go ahead with the FMU's original plan. He did not state whether or not he had signed off the original plan but did inform my investigators that the FMU was looking into the alternative fencing option. I was unable to find any support to the Corrections Branch's claim that a "cooperative, consultative process" occurred. Quite to the contrary it appeared that one option was provided to the Director and he was confronted to make a "yes or no" decision at that point. The new information appeared not to be given fair consideration compared to the decision to proceed with letting the contract. My investigator was informed by a representative of the FMU that the other option had not been checked out prior to letting the contract. From the information you provided it appears that the alternative option may have been investigated after the construction contract had been let. It seems to me that this would place some onus on the FMU to demonstrate that it was not a viable option to begin with.

While you claim that I misrepresented the facts, you did not supply any factual information that supports the Corrections Branch's claims that:

1) vinyl fencing offers only slight advantages over standard fencing

2) that the vinyl fencing is three to five times the cost; and

3) that it is doubtful that the vinyl fencing is more aesthetically appealing.

As the information used in my Preliminary Report was based on the "facts" as they were reported to my investigators by administrative and FMU staff, and no new facts have been presented, my findings remain.

Ombudsman Decision and Recommendation

23. I find the complaint about fencing substantiated. As construction of the "candy cane" fencing is well underway it is now futile to proceed with my recommendation. This problem could be avoided in the future if the procedures outlined in the recommendation under "Facility Condition - General" are followed.

#24 Facility Condition - Maintenance and Repair

Issue

My investigators have observed, over a period of more than a year, many instances in which repairs and maintenance were required but have not been done.

My Preliminary Report stated that the bathroom facilities on the dormitory side at Willingdon are inadequate. The bathrooms often have water on the floor and often only one of the two toilets or showers is useable. My concern about the number of toilets, sinks and showers was due to the number of residents in the unit. Based on the fact that there should be no more than 5 residents in a dormitory the number of toilets, sinks and showers should be adequate.

The dormitories have not been well maintained. Paint is peeling from the ceilings and walls, and the walls are marked and damaged. As there is only a low wall surrounding their individual cubicles, residents have little privacy and feel crowded. The staff confirm this. Staff also pointed out that when the residents feel crowded, they have a more difficult time coping with their environment, and controlling their behaviour becomes more of a problem.

Representations by the Corrections Branch

You claimed that the complaint about the bathrooms is "unfounded" as it was not supported by "documented evidence". Your statement is a mere contradiction not a representation with any supportive evidence. The statements in my Preliminary Report were based on my personal observations and those of my staff during visits to Willingdon. The bathroom facilities were inadequate and required repair and maintenance.

Ombudsman's Decision and Recommendation

24. **I find that the Corrections Branch is negligent in not adequately maintaining the facilities at Willingdon.**

I recommend that the Branch ensure regular repair and maintenance of the facilities.

#25 Facility Condition - Air Conditioning

Issue

The temperature on the dormitory sides at the Centre is intense during the summer because the sun constantly shines through the large windows. Residents and staff complained during the summer that they were constantly uncomfortable and had difficulty sleeping because of the heat. Staff agreed the residents' complaints are fully justified. According to the Director, plans are underway to install air conditioning in this section of the building.

Representation by the Corrections Branch

In your response to my Preliminary Report you stated that "this project has been approved and will be completed before summer (1985)."

Ombudsman's Decision and Recommendation

25. **I find that the Corrections Branch is negligent in not providing adequate air conditioning for this section of the building during the summer months.**

I recommend that the Branch install an adequate air conditioning system before next summer (May 31, 1985).

I appreciate your commitment to complete this project before the summer of 1985. When the air conditioning is operational I will be able to consider this complaint rectified.

#26 Facility Condition - Furniture

Issue

The furnishings are an important element within the physical environment of an institution.

As furniture in an institution is subject to considerable wear and tear, it is necessary for staff to encourage residents to take care of their surroundings and supervise residents to ensure that they have minimal opportunity to do damage. When a piece of furniture is damaged, it must be repaired or replaced immediately. The furniture of the Centre has been badly abused over the years and has not been maintained.

Representation by the Corrections Branch

You stated in your response that the Branch has taken three steps to "address this issue", a) in July, 1983, $19,375.00 of new furniture was provided; b) the onsite maintenance man is regularly called upon to repair damaged furniture, and c) in February, 1985, $45,000.00 of new furniture was purchased.

You also state that you will explore the feasibility of incorporating built-in furniture, where applicable. You state that it would be difficult to establish "minimum standards for quality of furnishings" but that the furnishings selected should be durable and comfortable.

At the time of my investigation I found no indication that an onsite maintenance person was repairing damaged furniture. I have personally received a minor injury from a broken chair while I vistited a common area. There was not one chair in the room that was in good repair. I cannot agree with your claim that it would be difficult to set minimum standards for quality of furniture. Setting standards that would ensure furniture reflects a community standard and detracts from institutionalization would be sufficient.

Ombudsman's Decision and Recommendation

26. I find that the Corrections Branch has been seriously negligent in not providing adequate furniture for the residents contained in Willingdon.

I recommend that the Branch set minimum standards for furnishings so that the furnishings in institutions do not deteriorate to the point where they can only be described as "junk"; and,

I recommend that a process be established within Willingdon to ensure that the furniture is repaired or replaced immediately when it is damaged.

#27 Facility Condition - Door Locks

Issue

The universal characteristic of correctional centres is that most doors are locked.

There are locks on the doors that allow passage between sections of the building, doors between living units, and individual room doors. In order to meet fire standards and ensure the safe evacuation of the building in an emergency there must be established procedures for emergency evacuations and locking systems which will accommodate such evacuations.

On the secure side of Willingdon each door to the cell has only a manual locking device. The simultaneous manual or electrical locking and unlocking operations of specific doors throughout every living unit is only installed in the cottages at the Centre. Staff have pointed out that in an emergency, such as a fire, each cell has to be individually opened, using one key. Due to security concerns the emergency exits for the building require a different key, and only the principal officer on duty at the control desk has a key to these doors. Once staff have released the residents from their cells, the principal officer must open the exit doors at opposite ends of the building. Staff felt this procedure takes too long. Moreover, if there was a fire in the hallway, or the hallway was filled with smoke, residents might be unable to leave the building because the principal officer could not reach the exits to unlock them. Clearly the Fire Standards are not met in all parts of the Centre, and potentially there could be very serious consequences.

In 1983 the Inspections and Standards Division recommended that a time schedule be established to ensure that automatic releases are installed on all doors.

Representations by the Corrections Branch

You state in your response that "all new design and construction shall conform to all the requirements of using quick release devices and doors". The Branch has in fact met this standard in the renovations it has completed on Hawthorne and Magnolia Cottages and states that it will incorporate the installation of quick release devices in the "renovation plan (reconstruction) for the secure side of the building."

You have provided no time frame for this. You contend that the Branch's standards exceed the fire code regulations and state that the fire commissioner and local fire marshall indicated that there are no regulations which require quick release devices. The issue here is the safety of residents and staff, not regulations. The fact that there are no regulations does not exonerate the Corrections Branch from responsibility for ensuring that the safety of staff and residents is paramount. Although an additional staff member (a floater) has been added, getting sleeping residents out of a building at night during an emergency is no small task.

On February 6, 1985, a fire drill was conducted in the secure side of the building at 2330 hours. Although the additional float staff was not used to ensure what the Director called a worst case scenario it took 13 1/2 minutes to evacuate that part of the building. It must be kept in mind that there was no smoke in the area and all the lights were on. If the hallway is filled with smoke unlocking doors becomes very difficult. If this is an indication of how long it might take to evacuate the area it points out the urgent need to upgrade the facility with quick release devices.

No action was taken to implement the recommendation of the 1983 Report of Inspection and Standards.

Ombudsman's Decision and Recommendation

27. I find that the Corrections Branch is negligent in not providing quick release devices on all doors used for egress from the building in case of fire.

I recommend that the Branch implement the recommendation of Inspection and Standards.

I recommend that all living units be equipped with quick release devices on all doors by June 30, 1985.

ISSUE 6: MEDICAL SERVICES

#28 Medical Services - Staffing

Issue

I am concerned that residents in Willingdon receive adequate medical services.

I recognize that medical services at Willingdon have improved over the last year. However, I cannot accept the practice of placing the responsibility of assessing and recording of medical situations on non-medical staff. As stated in my Preliminary Report, it appears that principal officers are put in the position of assessing a residents medical condition and making a decision whether or not the youth requires further treatment.

Willingdon is a receiving centre for newly arrested persons from the Greater Vancouver area. The medical condition of all new admissions must be assessed for problems such as injuries (e.g. head) chronic diseases (e.g. epilepsy, diabetes) or communicable diseases.

Representations by the Corrections Branch

In response to my concern that proper medical recording is not being done, you have stated that "non-medical staff do not, and of course, cannot make medical recordings". As medical staff do not work the evening or night shift, I am left to wonder how accurate recording is done when an incident occurs during those times and the youth is not seen by a medical person.

I accept your argument that attempting to establish medical guidelines for non-medical staff would be difficult. Therefore, the only alternative is to have a staff on at all times who is qualified in assessing and recording medical emergencies.

Dr. Eaves, Executive Director, F.P.F.C., has stated that a duty nurse would be desirable during the evening and night shift. This would ensure that medical treatment is available and when a situation occurs, proper recording is done.

Ombudsman's Decision and Recommendation

28. I find that Willingdon is negligent in not providing health care professionals to make medical assessments and provide care for emergency cases.

I recommend that professional medical staff be assigned to Willingdon on a 24 hour a day basis.

#29 Medical Services - Level of Care

Issue

It is important that youths with emotional and behavioural problems receive adequate professional care.

I addressed two concerns in my Preliminary Report; a) level of care, and b) confidentiality of medical records.

a) As I stated in my report, it has been difficult for the psychologist at Willingdon to do more than provide crisis intervention to youths. His schedule did not allow him to provide any new forms of treatment, to consult with staff on a day-to-day basis or to complete psychological assessments that would assist staff in planning for the youth while he/she is at the Centre. Medical staff have expressed concern that the limited resources lead to inconsistent treatment.

b) I stated that there appears to be a problem with the confidentiality of medical files of the residents. The files are not locked up and non-medical staff can have access to the files and all the information on the files.

Representations by the Corrections Branch

You have stated that steps are being taken to increase the level of care available to residents of Willingdon. The Executive Director of the Forensic Psychiatric Service Commission has confirmed that these increased services will include a psychiatric facility for assessments and 24-hour emergency psychiatric services provided by the Forensic Psychiatric Service.

In addition, you state that my concerns regarding the confidentiality of medical files has been recognized by the Branch Director of Medical Services and is being addressed by him in the development of a policy.

Ombudsman's Decision and Recommendation

Please inform me of the development of the policy regarding medical confidentiality so I may review this matter and inform you of my position on it.

29(a) I find the complaint concerning the level of psychological/psychiatric services substantiated but now rectified.

29(b) I find the Branch is negligent in not maintaining the security and privacy of medical files.

I recommend that only medical staff have access to medical files. Case managers should receive medical information through medical staff.

ISSUE 7: FOOD SERVICES

#30 Food Services

Issue

The food served in an institution must be of a quality and quantity appropriate to the needs of adolescent residents.

Residents, unit staff and managerial staff expressed a great deal of concern about the food services at Willingdon. Residents maintained that they were not getting enough food and that the food they did get was often not palatable and/or served at the appropriate temperature. During a visit to the Centre, I was served lunch and found it bland, cold and inedible.

Representations by Corrections Branch

You agreed that cold food is not acceptable and have requested an evaluation by the Burnaby Health Department regarding food services. You seem to be discounting my findings about the quality and quantity of food served, on the grounds that it is a matter of "opinion and personal taste". My findings are based on the complaints of residents who must eat the food. If the needs of those persons are not being met with the amount or quality of food they are getting or the taste, an "expert assessment" is not necessarily going to resolve the problem. The "opinions" of recipients clearly should be one of the objectives of any review of food services. If the sample I tasted personally is at all representative of the food served in general, I firmly remain of the opinion that the food is not adequate. You have stated that peanut butter and bread is available on the units, however, that is not the information that was given to my investigators.

I would ask you to send me a copy of the evaluation done by the Burnaby Health Department. However, the opinions of the residents and staff that the food supplied is inadequate is not going to be resolved by an evaluation. I do not believe that we need more experts to tell us that the food is inadequate.

Ombudsman's Decision and Recommendation

30. **I find that the Branch is negligent in not ensuring that the food meets acceptable standards.**

I recommend that the food served be of a quality and quantity appropriate to the needs of adolescent residents.

ISSUE 8: CLOTHING

#31 Clothing

Issue

My office has received numerous complaints from the residents at Willingdon concerning clothing.

The residents have complained that the clothing that is provided is inadequate as it does not fit or is in a poor state of repair. The residents also have complained that only the youths in the cottages are supplied with sweaters.

The Branch seems to be under the impression that this was a short-term problem and was resolved with a one time purchase of new clothing. The Branch does not seem to recognize this as an on-going problem that cannot be resolved by an occasional shopping spree. The purchasing and mending of clothing must be addressed continually and requires planning to ensure the quality and quantity is adequate.

While the immediate problem may be rectified, I continue to have concerns that residents are being issued clothing that are of poor fit and poor quality. The dehumanization that occurs when a person is incarcerated in an institution is in part linked to the loss of personal identity that occurs when one is not free to choose the clothing that one can wear. While the Branch believes this practice is necessary, the very least it can do, is ensure that clothing fits, is suitable to the climate and is in a presentable condition.

Representations by the Corrections Branch

You have stated that a clothing consultant has been asked to review the clothing needs and administration and I request you provide me with a time frame for this review and a copy of the report upon its completion outlining any changes to be made that will ensure that the on-going clothing needs of resident are being met. While the Branch appears to be acknowledging that the clothing situation is a problem and has stated a consultant will review this issue, I cannot accept these one-shot, stop-gap measures as satisfactory.

All youths in care are entitled to clothing that fits, is in good repair and is appropriate to the climate; this would include clothing for outdoor activities/programs. (i.e. rainwear, coats and boots)

Ombudsman's Decision and Recommendation

31. I find the Centre is negligent in not supplying clothing, clean, of a suitable size, in good condition and appropriate to the climate.

I recommend that the Corrections Branch conform to its standards of providing adequate clothing to residents; and

I recommend that the Corrections Branch hire a person experienced in the purchasing of clothing for institutions to review regularly clothing needs and make recommendations as to how much, how often and what kind of clothing needs to be purchased.

#32 Staffing - Dormitory Units/Overcrowding

This section is covered under "Facility Condition - General" and "Staffing Ratios" of this report.

ISSUE 9: STAFFING RATIOS

#33 Staffing - Ratios

Issue

The successful operation of any institution depends on the quality and number of staff providing direct service to the residents. Many of the issues I have described earlier in this Report relate to staffing. Staff and administration state that there are too few staff on shift to provide security as well as programs. Staffing concerns have been raised in providing adequate responses to emergencies, locking up youths at meal time and staff-resident ratios.

It is the intent of the Young Offenders Act to ensure that the community is protected and that the needs of young offenders are met. Staff therefore have a dual role, one of providing a level of care which meets the "needs of young offenders" and a second of providing custody and control which ensures that the community is protected from delinquent behaviour. Therefore staff have the responsibility of minimizing the possibility of youths escaping from the Centre and at the same time providing programs, group activities, and opportunity for individuals and groups of residents to talk to staff and discuss both their problems and their positive experiences. Keeping in mind the two objectives of providing custody and control and of meeting the needs of youths, staff should not be placed in position of supervising too many youths to the detriment of either objective.

The movement of residents between dormitory units makes it difficult for staff to provide adequate supervision. The problem with moving residents back and forth between dormitory units remains a serious issue as it creates problems for both residents and staff. The shuffling of residents between groups increases the lack of stability which further increases youths' anxiety. Behaviour incidents increase and staff time is spent attempting to maintain control. With residents distributed throughout the dayroom and dormitory area, incidents can occur out of the sight of the staff. Staff then feel vulnerable because they will be held accountable for the fact that an incident occurred (eg, assault, escape). In order to supervise 10 residents, 2 staff members are required. One staff member should not be left alone to supervise the residents from two dormitories.

My findings in this area are based on direct observations by my investigators, information provided by staff to my investigators and the statement in the 1983 Annual Inspection Report of the Inspection and Standards Division. That report states: "...there were several occasions during the audit visit where an increase of staff seemed appropriate".

Representations by the Corrections Branch

You state that the average staff ratio is 1:6.3 and that the only time this would be higher is "when there were only two units open on the dormitory side and each contained seven residents.

The average ratio referred to in your response provides general guidelines and indicates improvement in the staffing of the Centre but does not deal with the issue of this dual role of staff or staffing coverage in specific areas of the building.

In other words if there are 14 residents on Unit 1 there should be 3 staff assigned to this unit. The average ratio to which you refer means that when one staff member is required for one or two residents in another part of the building, another staff member may be supervising 10 or 12 youths on another unit. This is not an acceptable practice.

You stated in your report that "under normal operating circumstances, the average staff ratio is 1 staff to 6.3 residents. Overall, this ratio will reduce slightly as staffing ratio at Magnolia Cottage will be 1 to 5.5 residents." I am willing to modify my anticipated recommendation from my Preliminary Report, to 1 staff per 6 residents.

Ombudsman's Decision and Recommendation

Based on the information provided by the Corrections Branch, I will modify my preliminary finding as follows:

33. I find that the Corrections Branch, is negligent in not providing a staffing ratio for each unit that will ensure that both the needs of youths can be met and their security and control can be effectively maintained.

I now recommend that the Corrections Branch review Willingdon's staffing to ensure that the average staffing ratio on each unit does not exceed the average ratio prescribed by Corrections of one staff to six residents.

ISSUE 10: EVALUATIONS

#34 Evaluations - External

Issue

Evaluation is a critical component of any program. Through evaluation, management can establish whether or not the objectives of the program are being met and if not, chart a course of action for future program development. It is only through comprehensive evaluations that measures of effectiveness and efficiency can be properly established.

Section G-2, page 3, (No. 3.01) of the Manual requires "an extensive program evaluation of all phases of the Youth Correctional Program every three years."

My investigator could find no evidence of the existence of such an evaluation process for Willingdon. The audits conducted annually by Inspections and Standards assess conformity to Branch and Provincial standards. Inspection and Standards do not do detailed program evaluations.

Representations by the Corrections Branch

You stated in your response that "while the letter of this requirement has not been complied with, certainly the spirit has in so far as various aspects of Willingdon have been the subject of extensive evaluation." You state that "in the past three years studies have included two psychological screening projects, an evaluation of the team staffing model, two extensive sensing interviews with staff, a review of programs, application of the Corrections Institutions Environment Scale, and assessments of the appropriateness of youths committed". You refer to the involvement of the Inspections and Standards Division, Youth Program

Committee, the Citizen's Advisory Board and the Ombudsman. You state that "the Branch endorses the principle of external review and is committed to operating facilities in as open a manner as possible" but that Willingdon "is probably over evaluated". You further note that "such processes can be a time consuming burden on the administration and staff and can serve to distract from their primary duties."

The Manual suggests comprehensive evaluation of the overall functioning of the Youth Correctional Centre as an entity rather than an evaluation of individual issues within the Centre. Evaluating particular elements of the Centre does not take into account the interrelationships of these elements within the institutional environment.

One of the characteristics of institutions is that there is a constant pressure that pushes the institution toward "administrative convenience". This form of organizational efficiency must be balanced against the needs of the residents and the quality of service provided. External comprehensive evaluations are an important tool in maintaining a reasonable balance.

The concern that this interferes with the administration of the Centre and distracts staff from "their primary duties" points to this very issue. It seems to me that the Corrections Branch should be striving to build in evaluations that would provide objective feedback to the organization and minimize the need for the type of investigation I have felt obliged to undertake. This is not to say that isolated problems would be eliminated but rather the overall operation would be enhanced. With the implementation of the Young Offenders Act such evaluations are even more important in order to track the progress of the organization and project future needs.

Comprehensive external evaluations have never been done at Willingdon Youth Detention Centre and the involvement of groups such as the Youth Program Committee and the Citizens Advisory Board do not constitute comprehensive evaluations. Inspections and Standards Division is the mechanism by which internal evaluations can most effectively be carried out.

Ombudsman's Decision and Recommendation

34. Based on the information outlined above I find that the Corrections Branch is negligent in not carrying out comprehensive evaluations of the overall operation of the Centre as prescribed by the Manual.

I recommend that the Corrections Branch implement an independent external evaluation in accordance with the prescribed policy, to be carried out before October, 1985

#35 Ongoing Program Review

Issue

In my Preliminary Report I expressed concern that the Director had not established a means by which youths can express their views on the program. I stated that the Director must establish a mechanism which will ensure that the staff have an opportunity to participate in program design and evaluation and "take an active role in the critical assessment of their program".

Representations by the Corrections Branch

In your response you state that the Corrections Branch does comply with the requirements to provide internal evaluations involving residents, staff and the Commissioner's office. You state that youths may express their views through monthly Youth Advisory meetings, complaint procedures and through the Director.

In addition, you state: "that staff participate in program assessment through biweekly inter-shift meetings, regular senior staff meetings, and a staff policy group".

In your response, you indicate that your office regularly produces demographic profiles of youths in custody.

This information, and the program review section you referred to under "External Evaluations", indicate that the Branch appears to meet the requirements as outlined in the Policy Manual for internal program review.

In addition to the above mechanisms, it appears to me that according to section 1.03 (a)(viii) of the Policy Manual, the annual inspection conducted by the Inspections and Standards Division must include an assessment of the overall program. I would expect this to be included in the 1985 Inspection Report.

Ombudsman's Decision and Recommendation

35(a) In reviewing the information provided by you I find that no further action is required by the Director.

35(b) I find that the Corrections Branch is negligent in not providing an overall assessment of programs as part of the Inspections and Standards report.

I recommend that an overall program evaluation be included in the inspections to be carried out in 1985.

When I receive a copy of the Inspections and Standards report for 1985, containing an overall program evaluation, I may consider this matter resolved.

ISSUE 11: ADMINISTRATION

#36 Administration

In this section I make some observations relevant to many of the problems Willingdon experiences. I have commented on 3 areas of concern; the responsibility of the Director, the organizational structure of the Corrections Branch and gaps in government services to youths.

A. The Director's Responsibilities

The Director does not appear to have control over many aspects of the Centre, although he has overall responsibility for its operation.

(i) Food Services have been contracted out. In your response you state that "the Director has direct responsibility for the administration of that contract, monitoring the quality of service, and has the authority to terminate, or not renew, the contract if necessary". The Director stated to my investigators that the decision to hire the food services contractor was made by Senior Administration. The Director has informed my staff that he will be consulted in determining future contracts.

(ii) B.C.B.C. is responsible for building maintenance. You state "the Director meets quarterly with representatives of B.C.B.C. and Facilities Management Unit and, with regard to specific projects, a project is not proceeded with unless the Director signs off that project". Although the Director is given responsibility for "signing off projects" it appears from your response that the relationship between the Director and B.C.B.C. is somewhat informal. As in most goverment buildings, B.C.B.C. is the landlord and the Corrections Branch is the tenant. The Corrections Branch, as tenant, with no other place to move to, is limited in its capacity to "control" B.C.B.C. If the Director is not satisfied with the service the landlord is providing he must rely on the ability of the Commissioner to resolve the matter through discussions at a senior level. This can be a slow and cumbersome process.

(iii) Training for institutional staff takes place at the Justice Institute. Training is a crucial element in the effective management of any facility providing services to youth. The Director should take a more direct role in the training of staff. Dr. Fewster comments in his Report on Willingdon that training is one of the key factors in staffing residential programs. He states that in Willingdon "on the job training and supervision has not been formalized due, perhaps, to a perceived inadequacy of resources". He

recommends that "the Director should be in a position to renegotiate the training services offered through the Justice Institute and terminate this arrangement if necessary. In-house training could be developed through:

(a) the articulation of a formalized program;
(b) the identification of two or three line staff to be trained as on-the-job trainers capable of assuming such responsibilities while working within the shift system; and
(c) the use of external training resource designed to meet additional identified needs and deficits."

It appears to me that the person with the most information about the Centre and the greatest ability to manage it effectively, has the least authority to do so.

I think it is important to reinforce what I said in the introduction to this Report and Dr. Fewster's comments. Most staff clearly understand that containment in a secure setting is their first priority. However, after that, it seems unclear in the minds of staff, whether the Branch has any other function. The Corrections Branch should redefine its aims, priorities and its programs in relation to the developmental needs of youths, referred to in the Young Offenders Act. You state that "the Branch has a statement of philosophy for youth programs and has established standards and policies". I am well aware of this statement and philosophy for youth programs referred to by you but it is the practical application of philosophy to the care and supervision of youths on which I based my comment.

The final area of concern relevant to the central administration of the Centre is that accountability within the institution for program development and implementation appears to have broken down. Ultimately the Director is responsible and accountable for programs.

While several staff have been disciplined for incidents involving escapes and inappropriate behaviour toward residents, I am not aware of any similar actions taken against staff who do not live up to program responsibility. I understand that it is the responsibility of the principal officers to ensure that staff involve youths in program activities. My investigators observed that insufficient attention has been given to program objectives. Several of the senior staff interviewed stated that as much as they wanted to involve residents in constructive programs, their mandate is to provide containment and this must come ahead of all other priorities. According to the statements of the staff, they do not place equal weight on security and programs nor do they see these two objectives as compatible.

It is the Director's responsibility to provide an environment in which staff are encouraged to fulfill program objectives.

B) Organizational Structure - Corrections Branch

Since regionalization I understand that juvenile institutions are now under the authority of the Regional Director responsible for both adult and juvenile corrections. A concern that a number of staff expressed to my investigators was that juvenile services are now seen as part of the aiult prison system. The Regional Director responsible for Willingdon states that the budget ranking of the Corrections Branch rates juvenile corrections at the top of the list. However, at least two new facilities have recently been constructed in the adult prison system (the Pretrial Services Centre and Wilkinson Road Jail) and major renovations have been done at least at one other facility (Prince George Regional Correctional Centre). In comparison little work has been done on juvenile correctional facilities in this province.

You go on at great length about the expansion of services in the 1984/85 fiscal year to the tune of one million dollars but fail to mention that much of this money was provided by the Federal Goverment for developing new community programs related to the Young Offenders Act. The issue here is not simply providing additional services for youth but relates directly to the commitment of funds for the upgrading of Willingdon Youth Detention Centre. You mention the expansion of Willingdon through the development of Holly and Magnolia Cottages but fail to mention that little money has actually been spent on upgrading the existing Willingdon facility. You state that "planning approval has been given by Treasury Board for a $20 million facilities plan for youth custody programs in the province, the first steps in implementation being realized through the development of Magnolia and Holly Cottages and the development of a detailed functional program plan for new decentralized youth custody facilities". My interpretation of this bureaucratic rhetoric is that although money has been set aside, no concrete plan is in place for completely renovating the archaic prison environment of the Willingdon Youth Detention Centre. The point is that the Corrections Branch continues to place bandaids over severed arteries. Rather than completely renovating Willingdon you continue to patch it up.

Dr. Fewster comments in his assessment of the physical facility at Willingdon that "...the overall impression is distinctly depressing. In the main building, program development is severely restricted by the inflexibility of the structure and general security needs inhibit the use of external recreational areas". He goes on to comment about the inadequacy of the school facility, a point I dealt with under the educational program.

C) Gaps in Government Services to Youths

The coordination of services for youths in this province has a direct effect on the availability of resources for youth held in Willingdon because there is nowhere else for them to go. As many as four Ministries may provide services to one particular youth; Education, Human Resources, Health and Attorney General.

There are two mechanisms for coordinating services from these Ministries:

a) informal contact between line workers who are working with youths; and,

b) an informal coordinating system known as the Inter-Ministerial Children's Committee.

No Ministry has administrative authority to make decision binding on other Ministries.

Despite these mechanisms, a number of the staff felt that the lack of coordination between Ministries resulted in youths not receiving the services they required. Consequently, residents who require treatment at The Maples may be placed in Willingdon because there are no other resources available. This is an example of the breakdown in services between Ministries.

You state that I incorrectly identified the Inter-Ministerial Children's Committee as being informal in nature. You go on to state that " the Deputy Minister's Committee on Social Services has formally assumed the function and role of this Committee and continues to function in this capacity". However, you do not deny that the Committee has no administrative authority to make decisions binding on Ministries. Services are still not being provided to youths in need where those youths do not meet the criteria of the Ministries' programs. It is not an uncommon occurrence for my staff who investigate complaints concerning the various Social Service Ministries, to encounter situations in which agreement cannot be reached on providing services when the recognized needs cut across Ministries.

I note here that there has been a dramatic improvement in psychiatric/psychological resources available to Willingdon through the Forensic Psychiatric Services Commission and a plan is under way for the joint use of Magnolia Cottage by Corrections and Forensic Psychiatric Services.

In addition, a part-time social worker has been assigned by Human Resources to Willingdon.

In my Preliminary Report I mentioned that professionals can request that youths be placed in Willingdon on remand or under sentence. You disagree. While the legislation spells out the criteria, the recommendation of professional staff has a great bearing on the court's decision.

I recognize that there is, in some communities, "a broad based array of youth services" that provide alternative measures to custody, regular and intensive bail supervision, probation supervision, etc. However, such is not the case in the more remote areas of the province.

My Preliminary Report states that I may find the lack of coordination of services to youths is related to the application of arbitrary and unreasonable procedures and is otherwise wrong. My anticipated recommendation was that steps be taken to provide an integrated service delivery system for youths that will take into account the special needs of youths and provide the administrative authority necessary to coordinate the service.

I recognize that this would require a restructuring of government services. You state that "the current organization of Ministries is government policy". It is a "sound policy, as described above, that has lead to cooperative planning, a wide range of resources, and a low rate of incarcerations of youths".

You state that the Young Offenders Act is criminal justice legislation and as such should not be confused with the social welfare or health objectives. I disagree. The Young Offenders Act clearly anticipates services to youths not normally provided under criminal justice legislation. Your responses recognize this as well, i.e. Education and Health Services. As has been pointed out in my reports and Dr. Fewster's report, the special circumstances of young offenders transcend ordinary criminal justice legislation and while the Corrections Branch may not be the direct service provider it has the primary responsibility to ensure that the youths in its care receive these services. I am concerned about the lack of coordination between Ministries over services to youths. However, it was not the objective of this report to precipitate a reorganization of the delivery of services to youths in the Province of British Columbia. I would be satisfied at this time with the implementation of the recommendations of this report.

I therefore will not proceed with my preliminary recommendation.

Pursuant to Section 23 of the Ombudsman Act, I request that you notify me by May 2, 1985 of the steps taken or proposed to be taken to implement my recommendations or of your reasons for not following my recommendations.

I am sending copies of this report to a number of persons affected or potentially affected by it. They are: Mr. Gordon Hogg, Director, Willingdon; Mr. Abe Newfeld, Regional Director; Dr. Orme Murphy, Director of Medical Services; Mr. Evan Brewer, Regional Director, B.C. Buildings Corporation; Mr. Allan Paul, Director, Facilities Management Unit; Mr. Vince Cain, Director of Inspections & Standards; Dr. Derek Eaves, Executive Director, Forensic Psychiatric Services Commission, and Dr. Jim Carter, Deputy Minister, Ministry of Education.

Yours sincerely,

Karl A. Friedmann
Ombudsman

APPENDICES

Summary of Decisions and Recommendations

1. I find that the Corrections Branch has been negligent in not taking a more active role to ensure that all residents receive appropriate educational services.

   I recommend that the Corrections Branch take a more direct role in overseeing that residents in its care receive appropriate educational services.(p. 10)

2(a) I find the complaint that youths who were a security risk could not attend school because the doors and windows were not secure substantiated. It is now rectified.

2(b) I find that the Corrections Branch acted contrary to law in not providing education for youths under 15 years of age.

   I recommend that the Corrections Branch ensure education programs are provided to short term residents.

2(c) I find the Corrections Branch negligent in not providing education to school age children under the age of 19.

   I recommend that timetables be developed for each resident and that positions vacated can be immediately filled by residents waiting to get into the education program.(p. 12)

3. I find the Corrections Branch negligent in not living up to its commitment to work closely with the Ministry of Education in developing a curriculum which is geared to the individual needs of the resident and is adapted to the age, capacity, interests of the individual and the group.

   I recommend that the Corrections Branch immediately seek appropriate program changes from the Ministry of Education and school district to meet the individual needs of the residents at Willingdon.(p. 14)

4. I find the Corrections Branch negligent in failing to ensure that residents receive testing for their scholastic aptitude and possible learning disabilities.

I recommend that the Corrections Branch, in conjunction with the Ministry of Education and the School District, develop policies requiring that all residents staying at the Centre for more than 5 school days, receive a thorough educational assessment and,

I recommend that these policies ensure that short and long term educational goals are developed for each and all residents and,

I recommend that a record of the implementation of these policies be kept on each resident's institutional file (results of testing and the educational plan).(p. 15)

5. I find the Corrections Branch was negligent in that it did not provide school or an equivalent program for residents 12 months of the year as required by its own manual of operations.

I recommend that all youths have the opportunity to participate in educational programming or its "equivalent" 12 months of the year.(p. 16)

6. I find the Corrections Branch negligent in not ensuring that individual residents are provided with the number of hours of schooling required under the School Act Regulations.

I recommend that all youths receive the 27.5 hours per week of education that is available to students attending community schools unless there is documentation on the resident's file justifying less than full time attendance.(p. 18)

7. I find the Corrections Branch negligent in not providing adequate facilities for the education program.

I recommend that appropriate educational facilities be provided for classroom, laboratory, and individual instruction. The construction of such facilities should take into account my recommendations concerning Science and alternative educational courses.(p. 19)

8. I find that the Corrections Branch is negligent by not including day programs as part of overall case management program for the individual resident.

I recommend that day programs become part of the overall case management for individual residents and,

I recommend that day programs not be a substitute for educational programs.(p. 20)

9. I find the Corrections Branch is negligent in not providing a meaningful work program as part of the day program.

I recommend that the Branch offer a meaningful work program within the Centre as one component of the day program.

I recommend that further programs such as arts and crafts be added to the day programs. When two individuals are appointed to these two positions and their mandate has been defined, and the work program in the laundry is implemented, I may be able to consider this matter rectified.(p. 22)

10. I find the complaint about temporary absences substantiated and rectified in part.

The new policy is still in draft form; I may make further recommendations should later examination lead me to conclude that these guidelines fail to reflect the individual needs of residents as well as the philosophy of the Young Offenders Act.(p. 23)

11(a) I find that the Branch is seriously negligent in not providing a minimum of two hours of planned physical recreational activity that is consistent with the needs and interests of the residents.

I recommend that all residents, regardless of status, have the opportunity for at least 2 hours of organized physical recreational activity each day, using both indoor and outdoor facilities.

11(b) I find the Corrections Branch uncaring and oppressive in not taking youths outdoors for at least one hour per day.

I recommend that immediate action be taken to ensure that all residents receive at least one hour of outdoor planned physical recreational activity per day.(p. 24)

12. I find that the Corrections Branch acted improperly in not keeping records of each resident's participation in recreational activities.

I recommend that the time spent in recreational activities be accurately recorded for each resident. The information contained in these records must include individual participation in physical recreational activities or reasons for a resident's non-participation.

I further recommend that when outdoor recreation is not provided due to inclement weather, written justification be provided to the Director and recorded in the unit log book.(p. 25)

13. I find it wrong for the Centre to fail to provide a staff whose only responsibility is to coordinate volunteer programs.

I recommend that the Centre work with the community and make good use of the community's resources through volunteers, and that the Centre have a volunteer coordinator whose only job it is to provide an effective volunteer program.

When the full-time volunteer coordinator position has been filled I may accept this as rectification of this complaint. (p. 26)

14. I find the practice of giving a youth one sheet of written information about the token economy system rules only, is an unreasonable procedure.

I recommend that the Corrections Branch provide all youths, upon admission, with written information outlining the rules of the Centre, the token economy system, the daily activities available and the role of the Director and Supervisors.

I consider this complaint substantiated. Upon implementation of the orientation procedure, I will consider it rectified.(p. 27)

15. I find that the procedures of the token economy system are unreasonable and unfair in that once residents have achieved the points required to reach a higher level they are not invariably given the privileges associated with that level.

I recommend that this procedure be altered so that when residents achieve the necessary points they receive the privileges associated with that level.(p. 28)

16. I find that the procedures of the token economy system are unreasonable and unfair in that the token economy system does not provide the incentives necessary to encourage residents to move to less restricted levels.

I recommend that this procedure be altered so that the residents are provided with incentives that encourage movement through the levels.(p. 29)

17(a) I find it an unreasonable and unfair procedure to withhold certain privileges from an individual because of the behaviour of other group members.

I recommend that the procedure be modified to eliminate group consequences for individual behaviour.

17(b) I find it improper for the Corrections Branch to allow the group to control an individual's behaviour.

I recommend that the Corrections Branch ensure that there is no direct or indirect delegation of authority to residents.(p. 31)

18. I find the former practice of increasing the number of cigarettes as a reward, and withholding cigarettes as a punishment, was wrong.

I consider this complaint substantiated but rectified by recent action.(p. 32)

19. I find that the Corrections Branch is seriously negligent in not providing case management for residents in accordance with its standards and policies and generally accepted practice.

I recommend that the Centre study the case management systems in facilities providing services to institutionalized persons such as Valleyview, and

I recommend that the Centre develop comprehensive training programs for case managers.

I plan to review the case management procedures again in two months to ensure that the formation and implementation of case management is in accordance with standards and policies.(p. 33)

20. I find the Branch's approach to managing unpaid meal breaks by locking residents up is an unreasonable, arbitrary and unfair procedure.

I recommend that the Branch adhere to its standards with respect to locking residents up.

I recommend that the Corrections Branch formally assess all costs and benefits of the provisions regarding meal breaks in the 1984 collective agreements, and, in particular, the loss of good will and interaction between staff and residents, and provide me with a report on the outcome of the assessment by May 30, 1985.(p. 36)

21. I find that locking residents up for reasons other than control or protection of the youths is unreasonable, arbitrary and unfair.

I recommend that the Branch ensure that staff comply with existing standards; and,

I recommend that when staff place youths on lock-up for any reason, the circumstances and duration be recorded and submitted to management in written form.(p. 37)

I find that the Branch is negligent in not providing a comprehensive architectural plan which would upgrade the accommodation for residents to an acceptable level.

I recommend that a comprehensive architectural review be completed with the objective of providing accommodation for residents consistent with their needs and to provide facilities which maximize staff's ability to monitor, supervise, control and interact with residents in a secure environment.

I recommend that the Facilities Management Unit review recently constructed facilities for young offenders in other parts of Canada and the United States and be prepared to consider this information in planning renovations or construction of secure facilities.

I find the practice of having residents sleep on cots in the passageway in the dormitories unacceptable.

I recommend that the every resident in a dormitory be provided with his own cubicle.(p. 40)

22. I find the Corrections Branch negligent in not providing the facilities to permit youths outdoors for a minimum of one hour per day.

I recommend that immediate action be taken to provide the required outdoor activities for residents.

I recommend that the outdoor athletic field be secured so that all residents may have access to it.(p. 42)

23. I find the complaint about fencing substantiated. As construction of the "candy cane" fencing is well underway it is now futile to proceed with my recommendation. This problem could be avoided in the future if the procedures outlined in the recommendation under "Facility Condition - General" are followed.(p. 43)

24. I find that the Corrections Branch is negligent in not adequately maintaining the facilities at Willingdon.

I recommend that the Branch ensure regular repair and maintenance of the facilities.(p. 44)

25. I find that the Corrections Branch is negligent in not providing adequate air conditioning for this section of the building during the summer months.

I recommend that the Branch install an adequate air conditioning system before next summer (May 31, 1985).

I appreciate your commitment to complete this project before the summer of 1985. When the air conditioning is operational I will be able to consider this complaint rectified.(p. 44)

26. I find that the Corrections Branch has been seriously negligent in not providing adequate furniture for the residents contained in Willingdon.

I recommend that the Branch set minimum standards for furnishings so that the furnishings in institutions do not deteriorate to the point where they can only be described as "junk"; and,

I recommend that a process be established within Willingdon to ensure that the furniture is repaired or replaced immediately when it is damaged.(p. 45)

27. I find that the Corrections Branch is negligent in not providing quick release devices on all doors used for egress from the building in case of fire.

I recommend that the Branch implement the recommendation of Inspection and Standards.

I recommend that all living units be equipped with quick release devices on all doors by June 30, 1985.(p. 47)

28. I find that Willingdon is negligent in not providing health care professionals to make medical assessments and provide care for emergency cases.

I recommend that professional medical staff be assigned to Willingdon on a 24 hour a day basis.(p. 48)

29(a) I find the complaint concerning the level of psychologic/psychiatric services substantiated but now rectified.

29(b) I find the Branch is negligent in not maintaining the security and privacy of medical files.

I recommend that only medical staff have access to medical files. Case managers should receive medical information through medical staff.(p. 49)

30. I find that the Branch is negligent in not ensuring that the food meets acceptable standards.

I recommend that the food served be of a quality and quantity appropriate to the needs of adolescent residents.(p. 50)

31. I find the Centre is negligent in not supplying clothing, clean, of a suitable size, in good condition and appropriate to the climate.

I recommend that the Corrections Branch conform to its standards of providing adequate clothing to residents; and

I recommend that the Corrections Branch hire a person experienced in the purchasing of clothing for institutions to review regularly clothing needs and make recommendations as to how much, how often and what kind of clothing needs to be purchased.(p. 51)

33. I find that the Corrections Branch, is negligent in not providing a staffing ratio for <u>each unit</u> that will ensure that both the needs of youths can be met and their security and control can be effectively maintained.

I now recommend that the Corrections Branch review Willingdon's staffing to ensure that the average staffing ratio on <u>each unit</u> does not exceed the average ratio prescribed by Corrections of one staff to six residents.(p. 53)

34. Based on the information outlined above I find that the Corrections Branch is negligent in not carrying out comprehensive evaluations of the overall operation of the Centre as prescribed by the Manual.

I recommend that the Corrections Branch implement an independent external evaluation in accordance with the prescribed policy, to be carried out before October, 1985.(p. 54)

35(a) In reviewing the information provided by you I find that no further action is required by the Director.

35(b) I find that the Corrections Branch is negligent in not providing an overall assessment of programs as part of the Inspections and Standards report.

I recommend that an overall program evaluation be included in the inspections to be carried out in 1985.

When I receive a copy of the Inspections and Standards report for 1985, containing an overall program evaluation, I may consider this matter resolved.(p. 55)

Province of
British Columbia

Ministry of
Attorney-General

Corrections Branch
Parliament Buildings
Victoria
British Columbia
V8V 1X4

May 2, 1985

CONFIDENTIAL

Dr. Karl A. Friedmann,
Ombudsman,
#8 Bastion Square,
Victoria, B.C.
V8W 1H9

Dear Dr. Friedmann:

In response to your request, made pursuant to Section 23 of the Ombudsman Act, the Corrections Branch is, by means of this letter, notifying you of its response to the decisions and recommendations contained in your final investigation and report, dated April 3, 1985, on the Willingdon Youth Detention Centre.

The contents of this response, as they are applicable to each party, have been reviewed and endorsed by parties external to the Branch who are affected by your decisions and recommendations, in particular, Mr. J. Carter, Deputy Minister of Education; Mr. A. Paul, Director, Facilities Management Unit; and Mr. E. Brewer, Regional Director, B.C. Buildings Corporation. Messrs. Abe Neufeld, Regional Director of the Fraser Region; Gordon Hogg, Director of Willingdon; Vince Cain, Director of Inspection and Standards; Fred Hunt, Assistant to the Commissioner; and Alan Markwart, Youth Program Analyst of the Corrections Branch have also shared in the examination of the final report and the preparation of this response.

From the outset, I would like to thank you for making your staff available for detailed discussion of each of the issues addressed in the final report. These discussions were fruitful insofar as they helped to bring clarity to the issues and enabled us to come to a mutual understanding of our few differences and the many common goals which we share.

I would also like to say that I think the exercise that we have all been involved with in the sharing of concerns about Willingdon has been useful. It has helped to provide a focus on the issues and has provided an additional impetus for change.

There are many decisions in the final report with which the Branch does not concur, i.e. the Branch does not consider itself "negligent," that it "acted improperly," etc., because action had been undertaken (eg. clothing), was underway (eg. securing school facilities), or concrete plans (eg. facilities) had been made to remedy identified problems. In this response, the Branch feels obliged, for the record, to identify these areas of disagreement and the reasons for the same. While the Branch may disagree with many decisions, there appears, however, to be substantial agreement on most recommendations precisely because the Branch had taken action, measures were underway, or concrete plans made. There are, of course, other areas where there is disagreement with the decisions on other grounds (eg. interpretation of the School Act), but even here there appears, if we ignore the decisions per se, substantial agreement on remedial action required.

Notwithstanding disagreements about decisions, I am confident that we both share mutual goals, i.e. the improvement of programming, facilities, and procedures that ultimately will serve the best interests of the youths held at the Willingdon Youth Detention Centre. Finally, before turning to the decisions and recommendations, there also remain disagreements with some of the facts and assertions made in the preamble to each decision and recommendation. I have no intention of challenging these, except where necessarily pertinent to the decision or recommendation. This approach will be taken in the interest of resolving the major issues to our mutual satisfaction, rather than debating details.

ISSUE 1: PROGRAMS FOR RESIDENTS

A. RESIDENT EDUCATION

Decision and Recommendation #1

As noted in the Branch's response to the Preliminary Report, there are sound legal, organizational and educational reasons for the school program at Willingdon being delivered and administered separately by the School District. Such an organizational structure, by definition, creates a situation where the Branch does not directly control educational endeavours, but rather must assert an active role by means of liaison and cooperation with the Ministry of Education and the School District.

The final report asserts that the Branch has been negligent in not taking a more active role in ensuring that all residents receive appropriate educational services. The Branch respectfully disagrees. At a provincial level, the joint Ministry Program Advisory Committee on education in containment addresses provincial resource and policy issues, while these same issues are addressed at the local level by regular meetings between Willingdon's Director and the School Principal and Willingdon's program coordinator and the head teacher. (A formal written process for resolution of issues at the local level has been forwarded to your investigators by the Director of Willingdon.) These liaison mechanisms have, prior to the Preliminary Report, led to several initiatives which have improved educational opportunities at Willingdon, eg. the acquisition and securing of the school trailer, the assignment of a physical education teacher, and the incorporation of the educational program into the token economy.

Still, as with any process, further improvements could be made. I understand that a major area of concern about the role the Branch plays vis-a-vis education arises from the fact that it is the educational program, through the head teacher, that assesses the youth's educational needs and assigns classes accordingly. This leads to the question about who, should the youth have concerns about his educational programming, acts as an advocate for the youth in broaching any individual educational concerns to his educators. This is a valid concern. In the community, this function is largely assumed by parents. While the Branch maintains its position that, in law, it is not a "parent" (see response to decision #2), it does have responsibilities in ensuring that the youth obtains an appropriate educational experience. Hence, effective June 1, 1985, a process will be more formalized at Willingdon to ensure that there is a method by which an individual resident's educational concerns are reviewed and, where appropriate, able to be brought to the attention of the head teacher for discussion and resolution. This process will require the youth's assigned case manager to review, both independently and in consultation with the youth, the youth's educational assessment and/or school record, goals and timetable when initially assigned to school and thereafter on a monthly basis. Any educational concerns flowing from these reviews will be conveyed to the case management coordinator and thereafter presented to the head teacher for discussion and resolution. This process will be overseen by the case management coordinator and monitored by the Director to ensure it is effective.

Decision #2(a)

The final report decides that the original complaint that youths who were a security risk could not attend school because the school trailer was not secure "substantiated." The Branch does not consider itself negligent in this regard, i.e. that it failed to exercise proper care or attention in the performance of a public duty. As noted in the response to the Preliminary Report, the Branch took action on this on its own initiative, in the summer of 1984; the securing of the school trailer was completed in March, 1985. This, in the Branch's view, suggests the Branch did exercise proper care and attention in the performance of a public duty by taking action to secure the school trailer. The essential point though is that, now that the securing of the school trailer is complete, youths can attend school regardless of security risk.

Decision and Recommendation 2(b)

The Branch does not agree with and is distressed by the decision that it has acted contrary to law in not providing education for youths under fifteen years of age. As noted in the Branch's response to the Preliminary Report, youths under 15 years comprise a small proportion of the population at Willingdon, approximately 10% of the sentenced youths and 20% of the remand youths, or on any given day in FY 84/85, an average of about 9 youths. With regard to interpretation of law, the Branch and the Ministry of Education reiterate the position elaborated in the response to the Preliminary Report regarding the "good defence" provisions of S. 113, School Act, which allows non-attendance at school for those under fifteen years in the event of an "unavoidable cause." As an example in point, one-third of the remand admissions stay at Willingdon for four days or less. Given that youths are usually admitted late in the day, that one day is set aside for educational assessment, and that the youth is returned to Court on one day, then a four day remandee would have an opportunity to attend school for one day, while a youth remanded for any lesser period would not be able to attend at all. Such examples can only be construed as an "unavoidable cause" which is consistent with the intention of the law, is reasonable, and is consistent with community standards and practice regarding school attendance. Further, the final report cites (p. 12) the Young Offenders (British Columbia) Act, section 1, as providing for the definition of a "parent" and argues that the Branch is legally a "parent" within this definition. The Young Offenders (British Columbia) Act is provincial legislation developed to permit the prosecution of young persons for provincial statute matters only, and this Act has absolutely no bearing on the Branch's legal relationship to

youths sentenced or remanded under the (Federal) Young Offenders Act. The Branch reiterates its position, based on legal advice, that it is not a parent in law. This legal position is not peculiar to educational concerns only: for example, because the Branch (and the law) does not remove parental rights and responsibilities once a youth is committed to custody, the Branch cannot provide consent for medical treatment of a youth in custody.

Legal arguments regarding the decision aside, the Branch does - as is addressed in its policy - have a responsibility in ensuring appropriate educational services are provided to youths. The Branch agrees with the recommendation that educational programs be provided to short-term residents. Effective April 9, 1985, the length of stay criterion for admission to the school program at Willingdon was modified so that all youths who will be in residence for five school days or longer will be enrolled in the school program. Further, the five school day criterion will be bypassed when a youth who has been recently enrolled in the Willingdon school program is re-admitted. A copy of this policy has been forwarded to your investigators by the Director of Willingdon. Finally, those who are not enrolled in the school program are automatically required to take part in the day program, a program which will be discussed later in this response.

Decision and Recommendation 2(c)

The Branch does not agree with the decision that it has been negligent by not providing education to school age children under the age of nineteen years. The Branch's initiative in the summer of 1984 in securing the school trailer, which was completed in March, 1985, has resulted in the educational program being generally available to all residents, with the exception of short-term stays (less than 5 school days) described above and very short-term disciplinary cases who are housed in Unit 3. The preamble to this decision describes the capacity of the school program as 30, based on five teachers with class sizes of six. (A sixth teacher will be in place by September, 1985, and class sizes can be increased to eight as an efficiency measure, if this proves necessary.) This calculation, however, is based on the assumption that youths are enrolled full-time in the school program, but this is not the case. The daytime programming at Willingdon consists of three types:

1. those in full-time school attendance;
2. those in full-time day programs; and
3. those in a mix of part-time school and part-time day program, this category being the most common.

Part-time school attendance is permissible under the School Act; is commonplace in the community, particularly among educationally disadvantaged youths; and is consistent with Branch policy that speaks to school programming geared to the capacity of a youth. Further the youth's capacity to attend school and the range of suitable school programs for an individual student is established by objective criteria reviewed by an educational expert, i.e. the head teacher.

One problem that arises here concerns what is defined as "educational" in nature. I am confident we share the view that all programs have educative value, whether that programming falls within the ambit of the school program, or consists of other constructive experiences that fall within the ambit of the day program. The Branch has viewed the day program as a constructive alternative to the school program, but there is no doubt that some elements of the day program (eg. work, arts and crafts, physical recreation) could be construed as "educational" in nature and perhaps even be accredited as such by the School District. Such accreditation is a formal and complex process; the Branch will seek whatever accreditation possible by the commencement of the 1985/86 school year. The essential point, however, is that all youths at Willingdon, with the exception of Unit 3 disciplinary cases for very short periods of time, are engaged in constructive activities, whether they be called "school," "day program," or a mix of both.

Turning to the recommendations pursuant to this decision, effective April 9, 1985, individual school timetables have been developed for each eligible resident, regardless of whether the resident is in the school program, whereas unit timetables (coincidental with school timetables) for the day program were introduced at the same time. The head teacher now assesses (based on standardized educational tests and/or recent school records) all new admissions who will be staying five school days or more three times per week. This ensures that enrollment in school is prompt and efficient.

Decision and Recommendation #3

The School District and the Branch have acknowledged the need for improving the school curriculum at Willingdon. Formerly, the school program offered English, Math, Physical Education, Woodworking, Social Studies and Independent Living Skills. Effective April 9, 1985, Science, Consumer Education and individual tutoring time were added to the curriculum. A sixth teacher is funded and scheduled for assignment by September, 1985, which will permit broadening the curriculum to include Arts and Crafts and possibly Home Economics. Further, as a result of

joint Young Offenders Act planning by the Branch and Ministry of Education for the inclusion of 17 year olds in the youth system, the Ministry of Education has committed itself to the addition of up to three more teachers to Willingdon in the next school year, depending upon the extent of the increase in the youth count and the consequent demands upon the educational program. This more varied curriculum, individualized timetables and the educational assessment process described below will ensure that the school program is better able to meet the individual needs of the residents.

Decision and Recommendation #4

As described in the response to the Preliminary Report, the teachers at Willingdon employ the procedures of the individualized educational program (I.E.P.), which includes the development of short- and long-term goals that are recorded on the youth's educational file. Effective April 9, 1985, the head teacher at Willingdon, who has a Ph.D. in educational tests and measurements, has implemented standardized educational testing of all residents staying at the Centre for more than five school days, except for those youths where recent community school records already provide the required educational information. As noted previously, the Ministry of Education has committed an additional $20,000 annually for funding of more comprehensive psycho-educational testing; a part-time educational psychologist will be on-site by September, 1985.

The Director of Willingdon, in conjunction with School District personnel, is in the course of developing a formal written policy concerning educational assessments; this policy will be complete by June 1, 1985 and will be made available to you.

As described previously, individual case managers will be responsible for reviewing the youth's educational assessment and timetable, including appropriate commentary on the initial and ongoing case management reports.

Decision and Recommendation #5

The Branch does not agree that it has been negligent in not providing school or an equivalent program for residents twelve months of the year as required by its own Manual of Operations. As noted in the response to the Preliminary Report, a summer school program was available during the summer of 1984, and the Ministry of Education has provided funding which provides a complement of five full-time teachers (six in 1985/86) during the school year and two full-time teachers during each of the

summer months. The summer school program provides individualized instruction and is intended to enable youths to complete courses or undergo remedial work, as do summer school programs in the community. During the summer months, with a reduced school program being available, the day program is accelerated to fill the gap. With the recent addition to Willingdon of two program officers, the capacity to provide even more enhanced day programming of educative value in the summer will be in place. The Branch believes that the essential questions here are: Is there a modified school program during the summer that it is at least comparable or better than what is available in the community, and are youths who are not enrolled in summer school otherwise engaged in constructive day programming? Both questions can be answered in the affirmative.

Decision and Recommendation #6

The Branch does not agree that there has been any negligence in not ensuring that individual residents are provided with the number of hours of schooling required under the School Act Regulations. It is respectfully suggested that the decision in the final report in this regard is based upon a misunderstanding of law and practice. As noted in the response to the Preliminary Report, the School Act Regulations requiring at least 27.5 hours refers to the length of operation of the school week, not the number of hours a youth has to attend school. (Effective April 9, 1985, the school week at Willingdon was adjusted to conform with this regulation governing the length of the school week.) Youths in regular community schools do not attend school for 27.5 hours per week: a review of a sample of timetables of students attending Moscrop Junior Secondary School (nearby Willingdon) indicates an average of 25 instructional hours per week. Further, it is commonplace for educationally disadvantaged youths in alternative educational programs in the community to attend school for much less than a regular school student attends.

As noted above, during the day, the population at Willingdon can be divided into three types: those attending full-time school, those attending full-time day programs, and those attending a part-time mix of school and day programs, the latter category being the most common. The essential question here is whether such day-time programming provides a constructive educational and/or alternative educative experience for youths that is reasonably comparable in length to what is provided in the community. The school program is 27.5 hours per week, and the day program is 22.5 hours per week (the difference being attributable to Corrections staff shift change in the afternoon). This means that youths at Willingdon receive a

minimum of 22.5 hours of school and/or day programming per school week; a standard which is reasonably comparable to the community norm (Moscrop School) described above. If one included the weekend day program and optional evening program, this community norm would be exceeded.

Decision and Recommendation #7

The Branch does not agree that there has been negligence in not providing adequate facilities for the educational program. As noted in the response to the Preliminary Report, the school trailer, which has three classrooms, satisfies Ministry of Education space standards and is quite presentable in appearance. There is also a gymnasium, a swimming pool, and a woodwork shop. As a result of current renovations, which your investigators recently observed, the arts and crafts area is being upgraded and a teaching kitchen constructed. An area in the classrooms, which is tiled and has a sink and electrical outlets, is used for teaching science. The teachers at Willingdon consider the facilities at Willingdon to be quite satisfactory for educational purposes. Further, portable student science laboratory kits have been ordered for the educational program at Lakeview Camp; should this prove to be suitable, it will be incorporated into the Willingdon school program.

The school trailer is, nonetheless, a temporary facility. As noted in the response to the Preliminary Report, the Branch has a long-term plan for the renovation of Willingdon and the conversion of the current dormitory area into permanent school and program space. The history, process and timing of this planned renovation will be elaborated under Issue 5 - Facility Condition.

Before turning to the next issue, I would like to summarize the changes and plans made to the educational program, including:

1. the routine educational assessments conducted by the head teacher three times per week with prompt enrollment in the school program after assessment;

2. the addition of a half-time educational psychologist to conduct more comprehensive psycho-educational assessments effective September, 1985;

3. a policy and practice that all youths in residence for five school days or more will be educationally assessed and individualized school timetables developed;

4. the securing of the school trailer;

5. the extension of the length of the school week to 27.5 hours;

6. the addition of one teacher in September, 1985;

7. the addition of Science, Consumer Education, and individual tutoring to the current school curriculum, with the addition of Arts and Crafts and possibly Home Economics in September, 1985;

8. a commitment by the Ministry of Education to add up to three more teachers in the 1985/86 school year depending upon the volume of increase in count and demand upon the school program;

9. significant enhancement of day program activities as an alternative educational experience;

10. a commitment to seek school accreditation of aspects of the day program, where possible;

11. a process whereby the individual educational concerns/needs of a youth will be reviewed by case managers and conveyed to the head teacher for resolution;

12. the current upgrading of the arts and crafts area and construction of a teaching kitchen, to be completed by June 1, 1985;

13. a commitment to continue an appropriate summer school program; and

14. a long-term renovation plan which will provide for permanent, suitable classroom space and facilities.

In closing this section, it should be noted that the teacher/pupil ratio, accessibility to assessment services, and per capita costs per pupil in the Willingdon school program are far better than are found in the community schools.

DAY PROGRAMS

Decision and Recommendation #8

The Branch does not agree that it has been negligent by not including day programs as part of the overall case management program for the individual resident. There is in place at Willingdon much individualization of services through the educational program, as described earlier; the evening and weekend programs where special needs (eg. alcohol and drug programs, pastoral programs, recreation, etc.) can be attended to; and through ancillary services (eg. psychiatric/pychological assessment and counselling, temporary absence, etc.). The current day program is, however, designed on a unit, rather than an individual basis. Individualizing the day program would present complex scheduling and movement problems; nonetheless, the Director of Willingdon has agreed to explore the feasibility of individualizing this program and, if feasible, introduce individualized day programs in September, 1985, coincidental with the new school year.

Concern is expressed in the final report that day programs will act as a "substitute" for educational programs. However, the introduction of routine and psycho-educational testing - which describe educational needs on objective criteria - and the case manager review of the youth's educational plans and timetable will serve to counterbalance any tendency in this direction. Further, there is a question of what is or is not "educational" in nature; elements of the day program could be so construed and, as described earlier, the Branch will seek school accreditation of day program activities, where appropriate and feasible.

Decision and Recommendation #9

The Branch acknowledges that meaningful internal work programs, as part of the day program, were formerly inadequate, but had been addressing this on an incremental basis over time, (eg. the laundry program).

At this point, I would like to describe to you changes in the day program which were initiated as a result of the addition of two program officers to Willingdon on March 25, 1985. These officers are responsible for establishing activity schedules seven days per week for each unit, providing support and coordination for these activities, and supervising/teaching specialized activities. (Detailed job descriptions have been forwarded to your investigators by the Director of Willingdon.) Activities consist of a work detail every day which includes

inspection, clean-up and repair of units; work experience (eg. building the sawdust running track, painting, job search skills), arts and crafts, planned recreation, gym, swimming, educational videos, and specialized, short-term programming (eg. native awareness, child care skills, etc.) With the completion of the teaching kitchen, laundry and secure outdoor yard by June 1, 1985, home life skills, a laundry work program, and outdoor recreation will be added, while additional courses such as CPR and life skills videos are currently in the process of being developed and obtained.

Decision and Recommendation #10

In the Preliminary Report, it was found that the Branch had made arbitrary decisions based on irrelevant grounds for releasing youths in the community under temporary absence or escort. In the final report, it is decided that this finding is substantiated. The Branch disagrees. Temporary absences have not been severely curtailed at Willingdon; indeed, some express concern to the Director that temporary absences are approved too often. Not one case example of arbitrary decision-making is cited; at Willingdon there has always been a formalized application process with a right to apply, clear criteria for approval or denial, and a process for appeals of denials.

It is true that the Young Offenders Act permits temporary absences from secure sentenced custody; such absences are frequently granted to sentenced youths at Willingdon. An escorted temporary absence is, by legal definition, a temporary absence. The section of the Branch's draft policy on temporary absence cited in the final report refers not to a legal differentiation between escorted and non-escorted absences, but rather to procedural differences in emergency and other special, escorted cases; a thorough review of that draft policy will indicate that this procedural difference is directed primarily toward routine escorts from open custody for the purpose of work or social outings.

The Young Offenders Act has required a thorough revision of all the Branch's Youth Programs, Manual of Operations; a process which is still ongoing. In April, 1985, a compilation of all new policies and procedures approved to date, including the new temporary absence policy, was distributed in the form of an Interim Manual and operationalized. A copy of that manual has been forwarded to you.

Decision and Recommendation 11(a)

The Branch does not agree that it has been negligent in not providing a minimum two hours of planned physical, recreational activity each day. As described in the response to

the Preliminary report, the Branch has satisfied the requirements of the Youth Correctional Programs Regulations and its own standards by providing, quite apart from the school physical education program, two hours of planned recreational opportunities each day, consisting of a minimum of one hour of physical recreational activity and one hour of other, organized recreational activities (which do not include leisure time activities).

Once the secure outdoor yard and the outdoor running track are complete by June 1, 1985, a minimum of two hours of indoor and outdoor physical recreation will be built into the afternoon program schedule, while an additional two hours of swimming per week will be available. This, in combination with school and day program physical recreational activity and optional evening recreational activities, will in fact provide in excess of an average of two hours per day of physical recreational opportunities.

Decision and Recommendation 11(b)

The Branch strongly disagrees that it has been uncaring and oppressive (i.e. "intending to bully a citizen") in not taking youths outdoors for at least one hour per day. The Branch always wrestles with achieving a balance between the youth's needs and the community's need for protection; as a result of a rash of escapes from outdoor areas in the summer of 1984, outdoor activities were significantly reduced, but not eliminated. In response to the obvious need to better satisfy the youth's needs for outdoor activities, the Branch, previously initiated action to construct an outdoor running track and secure an outdoor recreational area. These projects will be completed by or before June 1, 1985. As your investigators recently observed, the outdoor running track currently under construction is located in a secure area. With completion of these projects, as noted above, one hour of planned physical recreational activity per day will be afforded to all youths, weather permitting.

With regard to the issue of youths being able to choose to go outside or not in inclement weather, there appears to be a possible contradiction in the final report, where on page 23 it is indicated that the youth should be able to choose to go outside or not, but recommendation 11(b) states that all youths be taken outside. The Branch's proposal is that youths will be encouraged to go outside, the views of all youths in the unit will be solicited and considered, but the youth supervisor will (as would a parent) make the final decision, recording the reason when a decision is made not to go outside.

Decision and Recommendation #12

The Branch does not agree that it has acted improperly (i.e. "intended to bring about adverse consequences") by not keeping records of each resident's participation in recreational activities. As noted in the response to the Preliminary Report, accountability regarding the availability of recreational opportunities is achieved by perusal of the school, day and evening program schedules, whereas unit participation in such activities is recorded in the unit logs.

The recommendation that written justification be recorded in the unit logbook when outdoor recreation is not provided due to inclement weather is acceptable. This procedure will be implemented once the secure outdoor yard and running track are completed.

OTHER RELATED PROGRAM ISSUES

Decision and Recommendation #13

In the Preliminary Report, it was found that the Branch was negligent in failing to utilize the community and the community's resources through the use of volunteers. The Branch's response provided information regarding the extent and usage of volunteer services, and it is now agreed that Willingdon does, as the final report notes, boast an impressive volunteer program.

The decision in the final report finds it wrong for the Centre to fail to provide a staff whose only responsibility is to coordinate volunteer programs. The Branch disagrees. This final decision appears to concern process rather than product; surely the bottom line is that there is an extensive and effective volunteer program in place, not the particular method by which it is achieved.

Nonetheless, as indicated in the Branch response to the Preliminary Report, funding has been provided for the contracting of a full-time volunteer coordinator for Willingdon and that contractor will be in place by June 1, 1985. In providing for this contract position, the Branch is not acknowledging that the current volunteer program is in any way inadequate, or that the process by which it is effected is wrong. Rather, the contracted volunteer coordinator is provided to enable the recreational coordinator to devote his full time to other recreational activities, where the need for improved programming has been evident.

Decision and Recommendation #14

As indicated in the Branch's response to the Preliminary Report, a comprehensive orientation of residents has always been in place at Willingdon, but this has not conformed to the letter of the requirements of the Youth Correctional Programs Regulations. The required orientation procedure has been implemented.

E. TOKEN ECONOMY

Decision and Recommendation #15

The central issue in the decision that the token economy system was unreasonable and unfair was that residents who achieved Level III in that system were not invariably placed in a cottage due to a shortage of cottage bedspace. This is correct, but, as noted in the response to the Preliminary Report, the Branch had addressed this issue by acquiring and renovating Magnolia Cottage (operationalized April 1, 1985) and more than doubling the number of cottage bedspaces for males, while planning over the long-term to eliminate the dormitory units altogether.

This issue is now a moot one insofar as the Director of Willingdon introduced a new system at Willingdon on April 1, 1985. In this system, all new admissions are initially placed in Unit 2 for orientation and classification (a classification officer position has been added and is in place), the youths then being classified on a case management criteria to a unit based on security risk and other pertinent factors, eg. remand/sentenced status, age and sophistication, etc. Once assigned to a unit, the youth is able to earn all privileges associated with the level system, i.e. the youth is able to achieve Level III pivileges regardless of the unit assigned. The youth may, of course, be reclassified to another unit should security or other factors warrant it. In short, unit assignment is no longer solely dependent upon the token economy.

Decision and Recommendation #16

This decision finds the token economy system unreasonable and unfair in that the system does not provide the incentives necessary to encourage residents to move to less restricted levels. The Branch respectfully disagrees.

Reference is made to Level I youths not being afforded the opportunity to participate in activities/programs. This is not correct; Level I residents have, and always have had, opportunities equal to Level II and Level III residents in terms of being able to participate in school and/or day programming (indeed, this is mandatory), albeit they have fewer opportunities to participate in optional evening programs. The increased program options in the evenings for Levels II and III are an incentive for youths to move from Level I. These increased evening privileges are consistent with the principles of behaviour modification, a scientifically researched and professionally accepted practice, and indeed are consistent with community (parental) standards.

Concern is expressed in the final report about "non-status" residents who have committed a "gross misconduct" and are housed in Unit 3. These youths, who are only so classified for the most exceptional misconduct, are in Unit 3 for very short periods of time, averaging two days, and are few in number, averaging about three on any given day. These youths are afforded the basic rights of recreational and other (eg. pastoral) programming as required by the Youth Correctional Program Regulations. Every effort and incentive is provided to encourage positive behaviour and return the youth to their previous level by means of a point system, bonus points, and personal contracts. The major incentive for the youth, of course, is the greater privileges (eg. T.V., greater progamming opportunities, etc.) associated with returning to their previous level. Henceforth, the term "non-status" will no longer be used.

Decision and Recommendations 17(a) and (b)

The Branch does not agree that it has unreasonably withheld certain privleges to individual youths because of the behaviour of other group members. In this regard, the Branch must reiterate its position described in the response to the Preliminary Report. The only regular instances where the withholding of privileges to an individual as a result of the behaviour of other group members occurs with regard to a unit's ability to earn a later bedtime, given the good behaviour of all of the group. Such a practice is known as peer influence, a scientifically researched and professionally accepted practice. Indeed, whole youth correctional institutions (eg. Manitoba) are designed around a positive peer culture method. This practice endeavours to constructively mobilize the influence of a teenager's peers in a manner that promotes positive behaviour among all, an extra privilege being the motivating factor.

The Branch recognizes that, as with any method of behaviour control and modification, there are potential pitfalls; in this case, the danger that peer influence can escalate into peer pressure and inappropriate behaviour. However, no evidence has come to the attention of the Branch that this has occurred at Willingdon; indeed, the experience is quite to the contrary insofar as this method is effective in promoting positive behaviour.

The Branch does not agree that there is an improper delegation of authority that results from this peer influence method precisely because the residents do not control or exercise discipline; rather, the youths positively influence others' behaviour, any discipline (i.e. not granting the extra privilege) or control being properly exercised by the youth supervisor.

Decision and Recommendation #18

In February, 1985, the Director of Willingdon implemented the Branch's previously taken policy decision that cigarettes should not be used as a reward or punishment.

ISSUE 2: CASE MANAGEMENT

Decision and Recommendation #19

The Branch agrees that case management is pivotal to the provision of adequate care and services to residents. The Branch does not, however, agree that it has been seriously negligent in not providing case management to residents in accordance with its own standards and policies and generally accepted practice. In the Branch's response to the Preliminary Report, it was reported that the Branch had conducted its own review of resident files and found 90% compliance with standards and policies. This finding varies significantly with the findings of the Ombudsman's investigators' findings, and I am at a loss to explain the difference. You indicate an intent to further review case management procedures in two months; the Branch invites you to participate in a joint, consultative review.

The new case management coordinator at Willingdon has already contacted Valleyview Hospital and other institutions with a view to studying other case management systems.

As noted in the response to the Preliminary Report, all youth supervisors must satisfactorily complete Block II and Block IV of the youth supervisor training at the Justice Institute. In Block IV training, the case management component consists of two days training, including a thorough review of standards and

policies and case examples. Further, an orientation package for case managers has been developed at Willingdon for all new case managers, this being complemented by two hours of private discussions and instruction by the case management coordinator.

Further improvements in case management have been effected or are underway. As noted above, all new admitted youths are now received in Unit 2 where a full-time classification officer is assigned, this position being responsible for orientation, interviewing the youth, compiling other pertinent information (eg. pre-disposition report, psychological assessments, etc.), classification, and establishing initial short- and long-term case management goals. Further, as described earlier, a case management review of educational plans will be undertaken, while current renovations at Willingdon, to be completed by June 1, 1985, will provide a case conference room as well as private interview space for visiting professionals.

ISSUE 3: SLASHING (Resident Self-Abuse)

This issue was addressed in the Branch's response to the Preliminary Report. No decisions or recommendations specific to this issue have been made. The Branch is pleased to inform you that the significant reduction in the frequency of incidents of self-harm since November, 1984, has persisted. Since January 1, 1985, the total number of incidents of self-harm, which includes minor abrasions, has averaged less than five per month. Only one of these incidents required sutures.

ISSUE 4: TIME SPENT IN A LOCKED CELL

Decision and Recommendation #20

The extent of lock-down time increased at Willingdon as a result of the re-negotiation of the paid meal break with the B.C.G.E.U. Corrections Component agreement in January, 1984. This re-negotiation effected considerable financial savings for government, the bulk of which arose from savings in adult correctional centres. As it also affected youth correctional centres, it resulted in increased lock-down time during unpaid meal breaks, and the Branch undertook measures to keep this lock-down time to a minimum.

In response to the Preliminary Report, the Branch indicated that resources would be made available to further reduce lock-down time at the Willingdon and Victoria Y.D.C.s. This was effected in March, 1985; as a result of the assignment of additional staff to cover meal and rest periods, there is no longer any lock-down at all during these periods.

The Branch also indicated to you that it would re-examine its lock-down standard so that the standard would reflect "current realities." This has been done; in mid-March, 1985, the Branch Management Committee approved an amendment to the lock-down standard, this amendment permitting a maximum of one-half hour lock-down per day for operational purposes. This modification is intended to permit lock-down at the afternoon shift change, a practice that has always taken place. This one-half hour exception is necessary to effect a smoother transition from shift to shift and permit the effective sharing of information, completion of reports by staff, and communication of directions by supervisors. If this were not in place, for example, staff members would be placed in the untenable position of sharing necessary confidential information about a youth within earshot of other youths. Hence, this exception to the lock-down standard serves the best interests of both the youths and the staff.

The previous standard, which permitted no lock-down at all except for disciplinary purposes, was not realistic, and the Branch was never able to fully comply with it. The net effect of the assignment of staff to cover meal breaks and the modification of the standard is that the amount of lock-down time is less than what occurred prior to the re-negotiation of the B.C.G.E.U. agreement and less than it ever has been.

The Branch respectfully declines the suggestion that it formally assess the costs and benefits of the renegotiation of the paid meal break, precisely because these effects are already apparent. The cost savings, taking into account savings in the adult correctional centres, are significant. It is obvious that this has led to some disenchantment among staff, as occurs whenever a perceived benefit is removed. Further, it is agreed that not sharing meals in youth correctional centres can lead to a loss of valuable social interaction between staff and youths, but this must be balanced against the cost savings achieved.

Decision and Recommendation #21

The Branch does not agree that there has been unnecessary lock-up of residents during emergency situations and hence has not acted in an unreasonable, arbitrary and unfair manner. In the Branch's response to the Preliminary Report, it

was indicated that the Director of Willingdon had reviewed past Incident Reports and had consulted the principal officers regarding lock-down during emergencies. As a result, the Branch concluded that such lock-down occurred very infrequently. As a result of the final report and discussions with your investigators, it is apparent that there is a discrepancy in the facts regarding this issue.

I have directed the Director of Willingdon to reinforce the lock-down policy (and recording of the same) with the Willingdon staff and to monitor this closely.

The recommendation arising from this decision addresses a practice already in place, i.e. the reason, circumstances and duration of lock-down have always been recorded on Incident Reports, with the exception of regular, permissible lock-down (eg. afternoon shift change).

ISSUE 5 - FACILITY CONDITION

Before addressing the specific decisions and recommendations found in this section of the final report, I would like to take this opportunity to describe the background to, and particulars of, the youth custody facilities planning process, as this obviously has had a direct impact on Willingdon. The Branch has, since Willingdon's inception, undertaken incremental and considerable improvements in Willingdon, eg. acquisition and renovation of the cottages, fire safety improvements, etc. Nonetheless, it remains an inadequate facility and requires a comprehensive renovation.

The passage of the Young Offenders Act in 1982, and its subsequent proclamation has affected the planning for Willingdon and other youth custody facilities. The significant changes in law effected on April 2, 1984, and the age change effected April 1, 1985, have led to considerable uncertainty - and some uncertainty still remains - about the impact of the Act on custody populations and even the type of custody (eg. open/secure) facilities required. This uncertainty was compounded by Federal/Provincial negotiations regarding the age change: it was not until March, 1985, that the Branch was advised that the age change would indeed proceed; until that point, the Branch had reason to believe that this would not be the case. Given this uncertainty, it was not possible for the Branch to concretely plan or effect a comprehensive architectural re-design or reduction in the capacity of Willingdon until it was better known what the youth custody requirements would be. Now that there has been one year experience with the Act and the age change is upon us, concrete measures can proceed.

Discussions about renovating and even reducing the capacity of Willingdon have been underway in the Branch for some considerable time. The first formal proposal for an eventual reduction in the capacity of Willingdon (conversion of the dormitory side to program space) was presented to Branch Management Committee in November, 1984. This was, however, tabled as it was felt more information regarding the Young Offenders Act impact was required. In January, 1985, the Branch formally endorsed a final long-term youth custody facilities plan, which included the development of small, modern, decentralized facilities in the Northern and Interior Regions, a reduction in the capacity of Willingdon to 76, and a comprehensive architectural review of Willingdon with a view to significant renovation. Still, before acting upon that plan, final word from the federal government regarding the age change was required; this was received in March, 1985.

In June, 1985, the Branch will be making a Treasury Board submission requesting building approval for the planned new facilities and at the same time will request planning approval for a comprehensive renovation of Willingdon. Detailed planning and effecting these comprehensive changes is, by necessity, a lengthy and complex process. Assuming Treasury Board approvals, it could be expected that the comprehensive renovation of the secure side of Willingdon would commence by the summer of 1986, while the conversion of the dormitory side to program space would be coincidental with completion of the new custody facilities.

Finally, before turning to the specific decisions of the report, it was reported in the Branch response to the Preliminary Report that the Director of Willingdon had previously initiated an upgrading plan from an architectural firm which was completed in December, 1984. The Branch has acted upon many of the recommendations in these plans. As your investigators recently observed, substantial upgrading is now ongoing at Willingdon and will be complete by June 1, 1985. This upgrading includes: the painting of all the main building excepting Units 6, 7 and 8 (which will be completed by a work program); graphics in recreational areas; the construction of a teaching kitchen, laundry facility and games room; upgrading of the arts and crafts room; renovation of the principal officer's office; construction of a case conference room and private interview space; and securing the windows and installation of air conditioning in the dormitories. These are in addition to the construction of the secure running track and outdoor yard.

Decision and Recommendation #21

The Branch does not agree that it has been negligent in not providing a comprehensive architectural plan which would

upgrade the accommodation for residents to an acceptable level. As explained above, the Branch has initiated past, current, and planned renovations, and a comprehensive architectural plan is in process.

In the development of plans for new custody centres and in the architectural review of Willingdon, information regarding other facilities in Canada and the United States has, and will be, considered. The Director of Willingdon, who is part of the Branch's facilities planning team, has inspected several youth correctional institutions across Canada. Further, in September, 1984, the Branch hosted an inter-provincial meeting of youth custody facilities planners from across Canada, at which considerable technical information was shared and is ongoing.

Portable, fire-proof partitions are now available at Willingdon to ensure suitable privacy when there are six residents in a dormitory.

Decision and Recommendation #22

The Branch does not agree that it has been negligent in not providing the facilities to permit youths outdoors for a minimum of one hour per day. The Branch position on this issue is addressed under Decision and Recommendation #11: the Branch recognized and addressed this issue in the early fall of 1984; the outdoor running track and recreation areas will be complete by June 1, 1985. Both areas are secure, affording all youths an opportunity for outdoor recreation, and one hour per day of such recreation will be scheduled each day once these outdoor areas are completed.

As indicated in the response to the Preliminary Report, the Branch will incorporate the securing of the playing field into the long-term renovation plan for Willingdon.

Decision and Recommendation #23

In the Preliminary Report the Branch was found to be negligent and acting improperly in installing "candy cane" fencing. In the final report, it is decided that this complaint is substantiated. The Branch disagrees. As described in the response to the Preliminary Report, efforts were made to obtain samples of the vinyl fencing prior to the letting of the contract; the Director did approve the fencing; and the "candy cane" fencing proved to be cost-beneficial and most appropriate for the security needs. Copies of the B.C.B.C. and R.C.M.P. cost and security evaluations have been forwarded to your investigators; the doubt that the vinyl fencing may be more aesthetically appealing is an opinion expressed by a representative of the Facilities Management Unit.

Decision and Recommendation #23

The Branch does not agree that it has been negligent by not maintaining the facilities at Willingdon. The personal observations of the Director and staff at Willingdon confirm that there is not, often, water on the floors or unusable showers and toilets in the dormitory side. There is, and always has been, an effective process in place for the maintenance of facilities: whenever a youth supervisor observes something awry with the facilities, the supervisor notes this in a maintenance and repair book, thus initiating action by the on-site maintenance man. This maintenance and repair book and records of the maintenance man's repairs are available for your inspection.

As noted above, almost all of the main building at Willingdon is in the course of being painted; the three remaining dormitory units will be painted as part of a work program. Further, as a daily feature of the day program now, an inspection, clean-up and maintenance of the resident's unit is required.

Decision and Recommendation #25

The Branch does not agree that it has been negligent in not providing adequate air conditioning in the dormitory side. The Branch initiated action on this prior to 1984 by making changes to the forced air system, cleaning the ventilation system, and installing fans. In the early fall of 1984, the Branch initiated action on the installation of air conditioning, which will be complete by May 31, 1985.

Decision and Recommendation #26

The Branch does not agree that it has been seriously negligent by not providing adequate furniture for residents. To reiterate the Branch's position on this issue:

1. $19,375 of new furniture was provided to Willingdon in July, 1983;

2. $45,000 of new moulded, fiberglass furniture was ordered prior to the Preliminary Report and, as your investigators recently observed, is in place; and

3. the on-site maintenance man is regularly called upon to repair damaged furniture, records of which are available for your perusal.

further, as part of the work detail in every unit, the furniture is now inspected on a daily basis. The Branch maintains its position that minimum standards, beyond those which are described in Section G-2, Manual of Standards, that address the quality of furnishings, cannot be developed, except to say that the most safe, comfortable and durable furnishings available should be selected. Built-in furniture is currently being installed in the renovated games room, which will be complete by June 1, 1985.

Decision and Recommendation #27

The Branch does not agree that it has been negligent in not providing quick-release devices on all doors used for egress from the building in the case of fire. The only area where this is at issue is the secure side of the main building. As noted in the Branch's response to the Preliminary Report, this is not (immediately) required by the Branch's own standard nor, as the Provincial Fire Commissioner's office and the local Fire Marshall have confirmed, by Fire Code regulations which are, of course, developed to ensure the safety of the public. In FY 83/84, $635,000 was expended at Willingdon on a comprehensive fire safety upgrade, whereas Hawthorne and Magnolia Cottages are equipped with quick-release devices.

The recent fire drill at Willingdon did result in a lengthy evacuation of the secure side of the building, but this was not conducted under normal circumstances as the float position, principal officer and other unit staff were not allowed, in order to create a very improbable worst case scenario, to assist in the evacuation of the secure side. Moreover, the primary cause of delay in this fire drill was not in unlocking doors, but in waking up the residents.

The Branch agrees that installation of quick-release devices on the secure side is a desirable and important goal. The real issue appears to be one of timing. As noted above, the Branch intends to seek a comprehensive renovation at Willingdon, particularly on the secure side of the building. It would be fiscally imprudent to immediately expend an estimated $200,000 on the installation of quick-release devices and then have those very doors ripped out in a renovation.

The Branch will include the installation of quick-release devices as part of the renovation plan for the secure side. As an interim measure, automatic unlocking devices will be installed on one exit for each secure unit as soon as practicable.

ISSUE 6: MEDICAL SERVICES

Decision and Recommendation #28

The Branch does not agree that it has been negligent by not providing health care professionals to make medical assessments and provide care for emergency cases. Nursing staff is available during the day, and a medical doctor is on call 24 hours a day. As noted in the response to the Preliminary Report, the Branch had its Director of Medical Sevices, Dr. O. Murphy, review the nursing situation at Willingdon, and he concluded that, while desirable, additional nursing is not medically necessary. Dr. Murphy will undertake an ongoing, prospective study of nursing needs, and the Branch will continue to rely on him for expert advice about medical needs. The Branch will, however, ensure training is available to provide some staff with Industrial First Aid tickets and explore the feasibility of ensuring that a staff member so trained is on evening and night shifts, keeping in mind the shift scheduling problems this would present.

Decision and Recommendation #29(a)

The Branch does not agree that the original complaint about the level of psychological/psychiatric services is substantiated. As described in the response to the Preliminary Report, a part-time psychologist has been on-site; a psychiatrist has attended for two sessions per week; and a psychiatrist has been on call 24 hours per day for several years. Additional improvements previously initiated, included the implementation of a psychiatric assessment unit at Magnolia Cottage by the Forensic Psychiatric Services Commission and improved treatment services to Willingdon youths provided by that same organization. The psychologist's limited capacity to perform screening and assessments arose only for a temporary, unpredictable period when incidents of self-harm were at a peak, an unusual crisis situation which has abated since November, 1984.

Decision and Recommendation #29(b)

The Branch does not agree that it has been negligent by not maintaining the security and privacy of medical files. As described in the response to the Preliminary Report, when the nurse is off duty, the medical files are locked, the only person having access being the Principal Officer who then only accesses a medical file at the specific request of a physician.

There is, however, agreement that a better system could be developed. The Branch Director of Medical Services is currently in the course of preparing policies and procedures regarding the sharing of medical information; this will be in place by August 1, 1985.

Decison and Recommendation #30

The assessment of Willingdon's food service by the Burnaby Health Department is now complete. A copy of this evaluation has been forwarded to your investigators. This evaluation confirms that the food has been of poor quality. A new food service contract was let on April 1, 1985, and both the quality and quantity of food now appears to be satisfactory. Further evaluations by the Burnaby Health Department have been requested in a continuing effort to monitor quality, quantity and nutrition.

Nonetheless, the Branch does not agree there has been negligence here. The Director of Willingdon, from the outset of the former contract, requested an assessment from the Burnaby Health Department, negotiated changes in quantity and the type of service, and otherwise had ongoing contacts with the contractor in an effort to improve the service. Given this, the Branch believes the Director of Willingdon did exercise proper care and attention in this situation, while attempting to be fair to the contractor in giving him a chance to improve the service.

Decision and Recommendation #31

The Branch does not agree that it has been negligent by not supplying appropriate clothing to youths. The former clothing problem is acknowledged by the Branch but, as described in the response to the Preliminary Report, this was a temporary problem arising from the unique circumstance of a change in the administration of the clothing and laundry service during the summer of 1984, and was, prior to the fall of 1984, quickly addressed by the Director of Willingdon. Again, the Branch considers such initiatives, not negligence, but quick, remedial attention.

The only current and minor problem that persists is that there is sometimes delay in receiving clothing back from the contracted laundry service, but this will be redressed by the operationalization of the on-site laundry service by June 1, 1985.

A preliminary review of clothing needs and administration by the Branch's clothing consultant has been conducted; a formal written report will be complete by July 1, 1985, and a copy forwarded to you for your information. Such reviews will be conducted annually. A staff person at Willingdon has, since the clothing and laundry service initially changed in 1984, been assigned the responsibility for reviewing clothing needs and distribution and ordering. Given the pending more frequent outdoor activity, appropriate outdoor rainwear will be ordered.

ISSUE 9: STAFFING RATIOS

The Branch does not agree that it has been negligent in not providing an adequate staffing ratio for each unit. The Branch does not have a prescribed ratio of one staff to six residents; rather the 1:6 ratio is a general rule of thumb which varies according to unit size and the security and other needs of youths in each unit.

During day and evenings, under normal operating circumstances, the staff/resident ratios in each of the units at Willingdon are as follows:

Unit 1	- 1:8	
Unit 2	- 1:5	(1:3.3 during days)
Unit 3	- 1:3	(average)
Unit 4	- 1:5	
Unit 5	- 1:5	
Unit 6	- 1:5	
Unit 7	- 1:5	
Unit 8	- 1:5	
Hawthorne Cottage	- 1:6.7	
Magnolia Cottage	- 1:5.5	

These staffing ratios do not, of course, include the Director and management support staff, principal officers, program officers, float, teachers, or several other specialized staff (eg. admissions, transport, nurse, etc.). It also does not include special one-to-one staff supervision, which alone amounts to 1.85 F.T.E.s per year.

In eight of the ten units, there is a staff/resident ratio which is richer than one to six. Hawthorne Cottage is leaner that 1:6, but this is a unit comprised of the more mature youths who are lesser security risks. Unit 1 also has a leaner staff/resident ratio, but management and staff have not experienced any problems with the present arrangement and the principal officer has the discretion to call in additional staff, should the need arise.

In the past year, several positions have been added to Willingdon, including a case management coordinator, night float, classification officer, meal break float, and two program officers.

The Branch considers this level of staffing adequate.

ISSUE 10: EVALUATIONS

The Branch acknowledges that a comprehensive external evaluation has not been undertaken. There are three issues here. Firstly, as described in the response to the Preliminary Report, numerous empirical evaluations of various aspects of the Willingdon program have been undertaken over the past few years, while the program is regularly assessed or accountable to a variety of groups, including the Inspection and Standards Division, Youth Program Committee, the Citizen's Advisory Board, and, indeed, the Ombudsman's Office. Secondly, there is a question of utility: evaluations are generally only useful if they are targeted at specific issues where concrete objectives and measurement instruments can be stated and developed; comprehensive evaluations often have methodological difficulties and yield inconclusive results. Thirdly, there is the issue of cost; to conduct comprehensive evaluations on all youth custody centres, bearing in mind new centres are being developed, would cost approximatly $75,000 annually. Given the questionable utility of a comprehensive evaluation and the high degree of external accountability and internal measures already undertaken, the Branch does not consider such expenditures a priority. The greater priority is in providing direct services to youth.

Decision and Recommendation #35(a)

The Branch has complied with the internal evaluation requirements of the Manual of Operations. As is indicated in the final report, no further action is required here.

Decision and Recommendation #35(b)

The requirement that Inspection and Standards carry out an overall program evaluation as a part of its annual report is a new issue raised since the Preliminary Report. Such an evaluation will be included in the 1985 Inspection and Standards Report on Willingdon.

ISSUE 11: ADMINISTRATION

This section contains no decision or formal recommendations. As the concerns expressed here were dealt with extensively in the Branch's response to the Preliminary Report, there seems little point in reiterating the Branch's responses here.

In closing, I would like to re-emphasize the point made in the beginning of this response to your final report. The Branch has felt obliged, for the record, to express disagreement

with the decisions in the final report, and has presented arguments and evidence on each issue. However, while there still remain some differences regarding the recommendations, a close examination of the Branch's reponses indicates that there is, in the main, very substantial agreement on the concrete measures required to improve the facilities, programming and procedures at Willingdon. These measures have either already been undertaken, are underway, or concrete plans are in place, with a schedule for completion. This should be our main concern.

To illustrate this commonality of purpose, I would like to highlight some of the many major initiatives the Branch has completed, has underway, or planned. These do not include the many initiatives previously listed around school programming:

1. a significant enhancement of the day program, including work program, through the addition of two program officers;

2. a significant enhancement of the afternoon and evening programs through the addition of a contracted volunteer coordinator, thus freeing the recreation coordinator's time;

3. a commitment to pursue individualized day programming timetables;

4. pending completion of the secure running track and outdoor yard, resulting in one hour of outdoor physical activity per day, and an average of more than two hours per day of (indoor and outdoor) physical recreation;

5. significant current renovation and upgrade of the main building at Willingdon with a long-term commitment to a comprehensive renovation which includes conversion of the dormitory side to program space, a reduction in capacity, renovation of the secure side of the main building, quick release devices on the secure side, and securing of the playing field;

6. a new case management based system of unit assignment with additional case management (i.e. classification officer) personnel and facilities;

7. elimination of lock-down during meal breaks and generally to the lowest level ever experienced; and,

8. a changeover in the food service contractor.

The above list does not, of course, include many other initiatives detailed in this response which are effected, underway, or planned, eg. change in the orientation procedure, policy regarding medical information, overall program evaluation by Inspection and Standards, etc.

I hope you have found this response helpful. Further detail or clarification will, of course, be readily provided upon request. I would appreciate the opportunity for us to meet together once you have reviewed this response to ensure that we each have a full and clear understanding of our respective positions.

Yours truly,

Bernard G. Robinson,
Commissioner

BGR/svm

Province of
British Columbia

Ministry of
Attorney-General

Office of the Commissioner
Corrections Branch
Parliament Buildings
Victoria
British Columbia
V8V 1X4

May 31, 1985

Dr. Karl A. Friedmann,
Ombudsman,
8 Bastion Square,
Victoria, B.C.
V8W 1H9

Dear Dr. Friedmann:

Re: Willingdon Youth Detention Centre

I am writing further to my last response of May 2, 1985, and our meeting on Monday afternoon, May 27, 1985. Thank you for taking the time to meet to further clarify the issues regarding Willingdon.

I am pleased that, as I now see the development of your investigation of Willingdon, some 35 to 40 Recommendations have been satisfactorily resolved. A further five you wish to "maintain a watch over," to ensure the substance and form of our positions shall be followed through. And finally, a further five require clarification and confirmation.

As requested, I would offer the following further comments in respect to those last five issues:

(1) Securing of the Playing Field

This issue is addressed in pages 20-22 of the Branch's response, specifically on page 22 which states "the Branch will incorporate the securing of the playing field into the long-term renovation plan for Willingdon." In June, 1985, the Branch will be requesting planning approval from Treasury Board for a comprehensive architectural upgrade of Willingdon, this including the securing of the playing field. Assuming approval is granted, comprehensive renovations, including the playing field, as noted on page 21, "would commence by the summer of 1986."

The type and location of the fencing selected would be that which best satisfies the mix of the major criteria, namely, program, security, cost, and aesthetics. It would be premature for the Branch to commit itself to any particular arrrangement of fencing now (eg. perimeter fencing around the complex only). Rather, it would be better to undertake a comprehensive review, consulting architects and security and structural specialists, to identify the arrangement which best satisifies the criteria of program, security, cost and aesthetics.

(2) Outdoor Recreation

The confusion about this issue appears to arise from previous discussions between your investigators and Corrections staff wherein a 45 minute outdoor recreation period was discussed. The Branch position, however, is clearly indicated on page 13 under the decision which concerns outdoor activity: "one hour of planned physical recreational activity per day will be afforded to all youths, weather permitting." For absolute clarification, this should read "one hour of planned outdoor physical recreational activity."

Moreover, under decision and recommendation #13, it is added that "in excess of an average of two hours per day of physical recreation" will be provided. To clarify, this means a minimum of one hour per day of outdoor physical activity, the remaining time being indoors. This far exceeds the one hour of recreational activity required by the Youth Correctional Programs Regulations.

(3) Industrial First Aid Tickets

The industrial first aid training of Principal Officers at Willingdon will be pursued and effected by September 1, 1985. This will, in the main, provide coverage at all times, except when vacation and sick relief is required by Principal Officers. As this relief coverage by line staff presents complex problems affecting the rights of union employees under the B.C.G.E.U. agreement, I am only prepared to say at this time that a resolution will be sought by September 1, 1985.

(4) Quick Release Devices

The installation of automatic (pneumatic) quick release devices on one exit of each secure unit will be effected by July 31, 1985.

(5) Staffing Ratios on Unit 1

As noted on page 27 of the Branch response, the staff/resident ratio on Unit 1 is one to eight, which is lighter than the average. Should any problems arise, the Principal Officer is available as a back-up. Further, the Principal Officer has the discretion to call in additional staff, if necessary. Outstanding problems in Unit 1 have not been evident and the Branch considers the current staffing arrangements satisfactory. The Branch will monitor any problems and consequent staffing needs in this unit and assign staff as experience demands. Moreover, as I indicated in our discussion, the addition of one post on each shift for 365 days a year, generates a requirement of between five and six full time equivalencies, a number which is not available.

I trust the above clarification is sufficient to resolve the outstanding issues.

I am pleased that it has been possible to reach agreement on the great majority of the issues which you have raised during the course of your investigation. Given the level of agreement that has been reached, I question the need to bring to this process the formality of a special report to the Legislature. I would have preferred to see these matters included in the reporting of resolved matters in your annual report.

As previously indicated, many of the issues raised during the investigation of the Willingdon facility were known to the administration prior to the investigation, and were in the process of resolution either by way of strategic planning or implementation on the basis of relative priority.

This is not to say our administration and operations cannot be improved. Very clearly that is our purpose and strategy; we shall continue to strive for improvements in service delivery, both in the interest of the public and young offenders, themselves.

Yours truly,

Bernard G. Robinson,
Commissioner

BGR/jm